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THE KATYN FOREST MASSACRE

HEARINGS

BEFORE THE

SELECT COMMITTEE TO CONDUCT AN
INVESTIGATION OF THE FACTS, EVIDENCE,
AND CIRCUMSTANCES OF THE
KATYN FOREST MASSACRE
EIGHTY-SECOND CONGRESS

SECOND SESSION

ON

INVESTIGATION OF THE MURDER OF THOUSANDS OF
POLISH OFFICERS IN THE KATYN FOREST
NEAR SMOLENSK, RUSSIA

PART 5

(FRANKFURT, GERMANY)

APRIL 21, 22, 23, 24, 25, AND 26, 1952

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SELECT COMMITTEE TO CONDUCT AN INVESTIGATION OF THE
FACTS, EVIDENCE, AND CIRCUMSTANCES OF THE KATYN FOREST
MASSACRE

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THE KATYN FOREST MASSACRE

MONDAY, APRIL 21, 1952

HOUSE OF REPRESENTATIVES,
THE SELECT COMMITTEE ON THE KATYN FOREST MASSACRE,
Frankfurt/Main, Germany.

The committee met at 2 p. m., pursuant to call, in the main courtroom, resident officer's building, 45 Bockenheimer Anlager, Hon. Ray J. Madden (chairman) presiding.

Present: Messrs. Madden, Flood, Machrowicz, Dondero, and O'Konski.

Also present: John J. Mitchell, chief counsel to the select committee, and Roman Pucinski, committee investigator and interpreter.

Present also: Eckhardt von Hahn, interpreter.

(The proceedings and testimony were translated into the German language.)

Chairman MADDEN. The hearings will come to order.

I might state that these hearings at Frankfurt, Germany, of the special Katyn investigating committee, are one of a number of hearings already held by this committee. This committee was authorized by Congress on the 18th of September 1951.

During October 1951, the committee took testimony in Washington, D. C. When Congress reconvened in January, after a 3 months' recess, we again held a series of hearings in the city of Washington, D. C. In the middle of March we convened and held a series of hearings in Chicago, Ill. Last week we held 4 days of hearings in London, England.

The Congress of the United States created this committee for the purpose of recording testimony, documents, and data pertaining to the Katyn massacre, which took place at the beginning of World War II. This committee is creating a precedent in that it is the first time that testimony and hearings have been conducted regarding an international crime similar to Katyn.

International crimes and atrocities or mass murders have taken place before in history, but this is the first atrocity or international crime where two governments have accused the other of committing the crime, and up to the creation of this committee, there has never been a neutral committee created to investigate the facts and circumstances of the massacre at Katyn. If a committee of this kind had not taken the steps that we are taking, future generations, when they read the history of the mass murders at Katyn, would wonder why our civilization never took any steps to place the responsibility for those crimes at Katyn. That is the reason why the Congress of the United States authorized our committee.

Mr. John J. Mitchell, the counsel of the committee, will you announce the first witness and call him forward?

Mr. MITCHELL. Mr. Chairman, the first witness is Jozef Czapski, of Paris, France. He is the individual who searched for the missing Polish officers in Russia during the years 1941 and 1942.

Chairman MADDEN. Is Mr. Czapski in the room?

Mr. Czapski, do you object to being photographed?

Mr. CZAPSKI. No.

Chairman MADDEN. Mr. Mitchell, the counsel, will read a statement and this statement will be read first in English and then in Polish and German.

Will the two interpreters stand and be sworn?

Mr. FLOOD. What is your name?

Mr. PUCINSKI. My name is Roman Pucinski.

Mr. FLOOD. You are the interpreter in what language?

Mr. PUCINSKI. Polish.

Mr. FLOOD. What is your name?

Mr. VON HAHN. Eckhardt von Hahn.

Mr. FLOOD. You are the interpreter in what language?

Mr. VON HAHN. In the German language.

Chairman MADDEN. Do you solemnly swear, by God the Almighty, that you will, according to the best of your knowledge and ability, truly interpret the testimony from English into Polish and Polish into English?

Mr. PUCINSKI. I do.

Chairman MADDEN. Do you solemnly swear, by God the Almighty, that you will, according to the best of your knowledge and ability, truly interpret the testimony from English into German and from German into English?

Mr. VON HAHN. I do.

Chairman MADDEN. The counsel will read a statement to the witness.

Mr. MITCHELL. Mr. Chairman, I would like to read the whole statement through and then have both interpreters repeat it in Polish and German.

Chairman MADDEN. Proceed.

TESTIMONY OF JOZEF CZAPSKI, PARIS, FRANCE (THROUGH INTERPRETER ROMAN PUCINSKI)

Mr. MITCHELL. Before you testify, it is our wish to invite your attention to the fact that, under German law, you will not be liable for slander or libel, either in criminal or civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as the result of your testimony.

Mr. FLOOD. Let the record show that the witness understands the admonition.

Chairman MADDEN. The witness will be sworn.

Do you solemnly swear, by God the Almighty, that you will testify as to your own knowledge and tell the truth, and nothing but the truth, so help you God?

Mr. CZAPSKI. I do.

Mr. MITCHELL. Mr. Czapski, will you state your full name, please?

Mr. CZAPSKI. Jozef Czapski.

Mr. MITCHELL. Where were you born?

Mr. CZAPSKI. In Prague, Czechoslovakia.

Mr. MITCHELL. What year?

Mr. CZAPSKI. 1896.

Mr. MITCHELL. Where did you have your education?

Mr. CZAPSKI. I studied at Peterburg and in Krakow.

Mr. MITCHELL. What did you do upon the completion of your studies?

Mr. CZAPSKI. After the completion of my studies, I moved to Paris, where I did considerable painting; and up until 1939, I had occupied myself as an artist, as a painter, and I did considerable writing in Warsaw after. After 1931 it was in Warsaw.

Mr. MITCHELL. Then your official position or profession was what?

Mr. CZAPSKI. I am an artist, a painter.

Mr. MITCHELL. Where were you on September 1, 1939?

Mr. CZAPSKI. I was in Warsaw, and as a Reserve officer, I was immediately called to active duty.

Mr. DONDERO. In what Army?

Mr. CZAPSKI. Naturally, to the Polish Army.

Chairman MADDEN. Pardon me.

I might say, on account of the large crowd in the courtroom, it is going to be necessary for the people to be as quiet as possible, the people that are assembled here, and also for the witness and interpreters to speak as loudly as possible, and slowly.

Mr. MITCHELL. What was the exact date that you joined the Polish Army?

Mr. CZAPSKI. I was called to active duty on September 3 in Krakow, where my regiment, the Eighth Regiment, was stationed.

Mr. MITCHELL. Mr. Chairman, I would like to ask the witness if he wants to tell what happened to him from that date forward in his own story.

Chairman MADDEN. Let me say to the witness that any procedure that makes it easier for him to reveal his knowledge with regard to the Katyn murders and facts leading up to his knowledge can be followed by him.

You can proceed in whatever way you desire.

Mr. CZAPSKI. I would prefer if you asked me the preliminary questions and get me to Starobielsk as quickly as possible, where I can then begin my testimony as to my direct association and knowledge of this matter.

I can now tell you how I was taken prisoner by the Russians.

Mr. MITCHELL. Please do.

Mr. CZAPSKI. As an officer of the Second Squadron of my regiment, I was with my regiment during our retreat on the heels of the German advance. On September 27, our units were surrounded by the armies of Russia and we were taken prisoner.

Mr. MITCHELL. What year was that?

Mr. CZAPSKI. September of 1939.

I was among those officers who were sent to one of the three camps where officers who had been armed had been taken. These officers were interned at Starobielsk, Kozielsk, and Otashkov.

Chairman MADDEN. I will have to admonish the photographers that these lights are interfering with the proceedings, so they will have to be turned out.

Mr. MITCHELL. Proceed.

Mr. CZAPSKI. I can describe for you our conditions in Starobielsk.

Mr. MITCHELL. Very briefly, please.

Mr. CZAPSKI. We remained at this camp until April 5, when the evacuation of the camp began, and the evacuation lasted from April 5 to May 12 of 1940. There were approximately 4,000 of us in this camp. There were 3,920 during the period of the evacuation.

There were amongst us people of all ranks and all units, starting with the rank of general, and there were several generals there. There were several hundred doctors, there were a few professors of the universities, there were many priests.

Among others evacuated before us was Father Alexandrowicz, the superintendent of the Protestant Church in Poland, the Reverend Potocki, and also the rabbi of the Polish Army, Rabbi Steinberg; several outstanding intellectuals, and a very large number of youths. Their only crime was that they were defending Poland against the aggression of Hitler. When the evacuation began, we were removed from the camp in groups numbering from 60 to 250 at each move.

Mr. MITCHELL. How many were in the group that left with you?

Mr. CZAPSKI. In my group there were only 16, but I will cover that later.

Mr. MITCHELL. On what date did you leave?

Mr. CZAPSKI. The 12th of May.

Mr. MITCHELL. What year?

Mr. CZAPSKI. 1940.

During this evacuation, a select group of 63 people was evacuated on the 25th of April. During this evacuation, the commanding officer of the camp, Berezkov, and another man, Kirszyn, assured us that we were being sent back to our homeland, to our own country, irrespective of by whom that country was being occupied, the Russians or the Germans.

At the same time, they were spreading rumors, however, that they were sending us to France, where we would form a special unit which would fight against Hitler.

After the 25th of April, when this select group had been evacuated, only a few more groups were evacuated. Included in those few remaining groups was my group of 16, which left on the 12th of May. We were first sent to Pavlishchev Bor, in the province of Smolensk. There we met the select and special group which had been evacuated from our camp on the 25th of April. Likewise, we also met there officers from the camps of Ostashkov and Kozielsk, numbering in all, approximately 400.

Mr. MITCHELL. Where was that?

Mr. CZAPSKI. That was in Pavlishchev Bor, in Smolensk.

After a couple of weeks, we were all sent to the camp of Griazovec, near Wologda. We at that time reasoned that all of our officers had been scattered among various camps in a similar manner. The uncertainty about the rest of our officers began that summer when we began receiving letters from relatives inquiring about them, from Poland.

Mr. MITCHELL. How long were you at the camp of Griazovec?

Mr. CZAPSKI. I remained at Griazovec until the end of August 1941.

Mr. MITCHELL. You are arrived at Griazovec what date?

Mr. CZAPSKI. Either at the very end of June or the early part of July 1940.

Mr. MITCHELL. Proceed with the rest of your story.

Mr. CZAPSKI. The alarm over our other fellow-officers grew from month to month.

Mr. FLOOD. Just a minute.

Before you begin to tell us about the search for the officers and the concern about the missing officers, I would like to know why you managed to survive, why you think the Russians kept you alive; and did your brother officers at Griazovec talk about that same question?

Mr. CZAPSKI. I must answer your second question first.

None of us, there wasn't a single one amongst us who at that time suspected these men had been murdered. We merely presumed that these men had been scattered in small groups such as ours in other camps and assigned probably to hard labor.

Do you now want to ask your first question?

Mr. FLOOD. I want your opinion today, as far as you are concerned.

Mr. CZAPSKI. In Griazovec there were interned people of all political beliefs, of all classes and not only but also members of minorities. It is my opinion that the decision to murder my fellow-officers was made in the Kremlin. This was during a period when there was great joy because of the close cooperation between Hitler and Stalin. It was their plan to first exterminate and execute these Polish officers, because for them it constituted a certain revenge, for these Poles constituted the elite of my country. But they did want to preserve a small group so that if a subsequent demand should ever be made, they could point to this group and say, "Here they are; you do have these people."

After the arrangement reached between Stalin and Sikorski, following Germany's invasion of Russia, a decision was reached that a Polish Army would be formed on the Russian territory, which would fight against the armies of Hitler.

Mr. MITCHELL. This committee has already heard testimony about a place called the "Haven of Bliss." Do you know anything about that? Answer yes, or no.

Mr. CZAPSKI. Yes.

Mr. MITCHELL. Tell the committee very briefly what you know about it.

Mr. CZAPSKI. I know only that about 20 officers had been taken there prior to the agreement reached between General Sikorski and Stalin.

Mr. MITCHELL. From which camp did those officers come; Pavlishchev Bor, or Griazovec?

Mr. CZAPSKI. From Griazovec and I think also from Moscow.

Mr. MITCHELL. Proceed and tell us what you know.

Mr. CZAPSKI. I know that the purpose of taking these people there and organizing this camp was to attempt to convert them to form a Red Polish Army in Russia.

Mr. FLOOD. Where was this villa?

Mr. CZAPSKI. Near Moscow.

From this group of approximately 20 officers, only a handful had agreed to this conversion. Among those who were converted was Berling, who subsequently became the commanding officer or commander in chief of the Red Polish Army in Russia at the time that General Anders' Polish forces were transferred from Russia.

And here lies one very important detail, which I would like to relate.

The chief of the NKVD, Beria, and his assistant, Merkulow, proposed to this particular group of officers, during the late fall of 1940, to prepare a plan for the formulation of a Polish Army in Russia which would fight against the armies of Hitler in case of a war against Hitler Germany.

Mr. MITCHELL. When did you say that was?

Mr. CZAPSKI. That was the late fall of 1940. At that time, Berling, who was the proposed commanding officer, said, "Very well; but under the condition that all of the Polish officers will be recruited into this proposed Army." To that, Beria replied, "Naturally, all of them; the leftists and the rightists, all of them."

To this, Berling replied: "Very well, we have the officers at Kozielsk, Starobielsk, and Ostashkov, and we have officers there of all units, so that we can form a complete army."

At this time, Merkulov told Berling: "Oh, no, no, not those at Kozielsk and Starobielsk. With those we have made a grave mistake."

Mr. MITCHELL. How do you know that?

Mr. CZAPSKI. I learned of this conversation in Turkestan in 1942. I heard this from three different people who, at various moments and at different places, had repeated this conversation to me.

Mr. MACHROWICZ. Mr. Chairman, I think at this point of the record it should be pointed out that this very same conversation, in those very same words, has been testified to before the committee, under oath, by other witnesses to whom they were repeated on the very same day they were uttered by Merkulow.

Chairman MADDEN. Very well.

Mr. MITCHELL. That is about all you know about the Haven of Bliss?

Mr. CZAPSKI. Yes, that is about all.

Mr. MITCHELL. You started to tell this committee, before I interrupted you, about the formation of the Sikorski-Stalin pact. Will you continue, please?

Mr. CZAPSKI. I began tell you this so that you would understand that when we were released from this camp as a cadre which was to form the Polish Army, already at that time, we were very seriously concerned about the safety of our fellow officers and, at that time, we already had prepared a list of several thousand of those whose names we could remember. But, I want to stress here and emphasize that we had considered the possibility that these men may have frozen to death, may have been starved to death, but at no time did we conceive of the possibility that these men may have been massacred.

The second phase that I can testify to is when we began forming our army in the regions near the Volga.

Mr. FLOOD. Before you start that second phase, I think you should know that the records of this hearing, or the hearings of this committee already show that the protocol, a copy of the protocol signed by the Soviet and the London Polish Government has been entered

as a document in these hearings, and that, among other things, that protocol provided that on the part of Soviet Russia all prisoners—military, civil, or otherwise—held by the Russians in Russia, Poles, would be automatically freed, with the only exception listed being certain criminals.

Do you understand that in English?

Mr. CZAPSKI. Yes.

Mr. FLOOD. And having that in mind, the Poles now began to form their army, taking for granted the Poles would be released by the Russians for that purpose.

Mr. CZAPSKI. That is correct.

Mr. MITCHELL. Will you now proceed with the story of your assignment?

Mr. CZAPSKI. Yes; only mine.

Mr. MITCHELL. Then, the committee would like to know how you were appointed, why you were appointed, to whatever assignment you were appointed, and what time the appointment was made.

Mr. CZAPSKI. The reason was very clear. At the very beginning, I was assigned as chief of an office of assistance and information for the first Polish division that was being mobilized near Totsk. All the soldiers and all the officers that had reported from the various camps to this division had to first go through my hands.

Mr. MITCHELL. Who appointed you to that job?

Mr. CZAPSKI. General Tokaszewski, who was in charge of forming and mobilizing this particular division.

Mr. FLOOD. Just a minute.

For the purpose of today's hearing and to show some continuity, the record should show that at the time the rapprochement developed between the Soviet and the London Poles, Polish General Anders was a prisoner of the Russians in the Lubianka Prison in Moscow, and the Chief of the London Polish Government, General Sikorski, being unable to locate the Chief of Staff, General Haller, designated General Anders as the new commander in chief of the Polish Army to be organized in Russia. The Russians then released General Anders who proceeded to form the Polish Army, as indicated so far, and the testimony of General Anders taken in London indicates that he designated the witness, Czapski, to head up this unit and that his appointment from the other general mentioned was merely through the chain of command.

Mr. CZAPSKI. What I began testifying to before Mr. Flood's remarks was that at the time that I was describing I was just a very small, insignificant information officer of only one division, and it is very important that I be permitted to make my point here.

It was on the basis of the information that I obtained at that particular time that I went to General Anders with my information, and it was then that he appointed me in charge of the entire search for these men. When I was ordered by General Anders to organize a bureau to search for these men, I left Totsk and I proceeded to Buzuluk and joined the General Staff of the Polish Army.

Chairman MADDEN. Tell the witness if he would like to have a 5-minute recess, we can have a recess now.

Mr. CZAPSKI. It is immaterial.

Chairman MADDEN. Proceed.

Mr. CZAPSKI. I transferred to Buzuluk either in October or November—end of October or possibly the beginning of November, and with a large staff, I prepared a lengthy list of names which, subsequently, on the 4th of December, General Sikorski presented to Stalin.

But, there is a second reason why I had been named to this particular assignment by General Anders.

Mr. FLOOD. Just a minute.

Could that date of the meeting with Stalin have been December 3?

Mr. CZAPSKI. It is possible. It could have been the 3d or the 4th.

Mr. DONDERO. What year?

Mr. CZAPSKI. 1941.

The second reason was that I spoke Russian fluently. I had studied in Russia, and as early as 1919, I had made a search for Polish officers following the Bolshevik revolution.

As a result, I left behind my staff, which continued compiling and improving the list of the missing officers, and I personally then went into the terrain of Russia. I began at Czkalow, because the chief of the Soviet camps, the chief of the Gulag, was stationed at Czkalow. I went there with a letter from General Anders in which it was stated that on orders of Stalin all of the Polish prisoners should be released.

I was greeted, or received, by General Nasetkin. The General was sitting in front of a huge map of Russia on which were superimposed hundreds of stars and other marks indicating prison camps throughout Russia. Nasetkin received me somewhat cordially, because he was alarmed when I showed him the letter.

Chairman MADDEN. How did you know that these hundreds of stars on this map represented prison camps throughout Russia?

Mr. CZAPSKI. I knew because while I was the information officer at Totsk, and from where I came, I had received thousands of people who came from these very places—from Kolyma, from Kola, and from Komi which is in Soviet Russia near the Urals.

Mr. MITCHELL. Will you proceed, please?

Mr. CZAPSKI. General Nasetkin had promised to give me the answers to my questions on the following day.

Mr. MACHROWICZ. Did he say he needed that day's time to make telephone inquiries about these camps?

Mr. CZAPSKI. Yes; that is correct.

The following day, he received me very badly. It was obvious and apparent that he had received instructions from Moscow and from Kuybishev that he had no permission to talk to me.

Mr. FLOOD. Instead of asking a question, just for the record, the significance of Kuybishev was the fact that, because of the German advance, the Russian Government and the diplomatic corps had been moved to Kuybishev.

Mr. CZAPSKI. That is correct.

At the same time that I was getting this bad reception from Nasetkin, a general of the NKVD had contacted General Anders in Buzuluk and told him: "Czapski has no right to roam around the country. His dealings shall be confined to the central headquarters of the NKVD."

Following my return to Buzuluk, General Anders immediately dispatched me to the general headquarters of the NKVD. I went to Kuybishev, but I did not remain there very long because all traces

led to Moscow. In Moscow, I attempted to talk either to Beria or to Merkulow.

Mr. MITCHELL. Whom did you talk to?

Mr. CZAPSKI. I was received neither by Beria nor Merkulow, but I did succeed in talking to one of Merkulow's most trusted and top assistants, General Rajchmann.

Mr. MITCHELL. When did you see him, approximately?

Mr. CZAPSKI. It was either at the beginning of February or the end of January 1942.

I beg your pardon. It was the 2d of April 1942.

Mr. MACHROWITZ. Wasn't it on February 3, 1942, witness?

Mr. CZAPSKI. No, it was the 2d of February, 1942.

Mr. MITCHELL. What transpired during your conversation with Rajchmann?

Mr. CZAPSKI. Rajchmann greeted me or received me, as the Russians always do, with another silent witness there. I handed him a memorandum which I now hold in my hand. It is the same memorandum.

Mr. MITCHELL. Do you have any objections to permitting the committee to see that, having it photostated, and returned to you?

Chairman MADDEN. Just a minute.

We'll take a recess for a few minutes now if the cameramen that came late desire to take pictures.

(Whereupon, a recess was taken.)

(After recess.)

Chairman MADDEN. The committee will come to order. Proceed.

Mr. FLOOD. Now, Mr. Czapski, you have handed us what purports to be a memorandum handed by you to General Rajchmann; is that correct?

Mr. CZAPSKI. Yes; that is correct, Mr. Flood.

Mr. FLOOD. Will you have the stenographer mark this as exhibit No. 1?

(The document referred to was marked as "Exhibit No. 1, Frankfurt" and was returned to the witness at his request.)

Mr. FLOOD. I now show you exhibit No. 1 and ask you whether or not this is the memorandum to which you have just referred.

Mr. CZAPSKI. Yes, Mr. Flood, this is the original memorandum that I had handed him.

Mr. FLOOD. Do I understand that you will have a photostatic copy of this prepared for later submission to the committee?

Mr. CZAPSKI. That is correct.

Mr. FLOOD. We will have the photostatic copy then marked for the permanent record as exhibit 1-A, at which time the original document, exhibit 1, can be returned to the witness.

(Exhibit No. 1-A, photostatic copy of exhibit 1, is identical with exhibit 50-A already appearing in pt. 4, London hearings, p. 944, and will not be reprinted at this point.)

Mr. FLOOD (continuing). Now, in what language is that document, exhibit 1, now written?

Mr. CZAPSKI. In Russian.

Mr. FLOOD. Will you also have provided a translation from Russian into English to accompany the photostat of exhibit No. 1?

Mr. CZAPSKI. If you will help me, of course I will.

Mr. FLOOD. And that translation will be marked as "Exhibit 1-B."
(Exhibit 1-B, English translation of Exhibit 1, is shown below.

[Translation from Russian of Exhibit 1]

[On the top a pencil mark:] Memorandum submitted in Moscow to the Gen. Raichmann in Lublianka [seat of N. K. V. D.] on April 2, 1942, by Capt. Czapski.

MEMORANDUM CONCERNING THE POLISH PRISONERS OF WAR FROM STAROBEL'SK,
KOZEL'SK AND OSTASHKOV, WHO DID NOT RETURN

The prisoners of war, who from 1939 until April 1940, were in Starobel'sk, Kozel'sk and Ostashkov (numbering more than 15,000, of whom 8,700 were commissioned officers) did not return from exile, and the place of their confinement is unknown to us; an exception are 400-500 men, that is approximately three percent of the total number of prisoners of war, who were released in 1941, after one year's imprisonment in Griasovets near Vologda or in other prisons.

Camp in Starobel'sk No. 1

Shipments of prisoners of war used to arrive in Starobel'sk camp from 30 September to 1 November 1939 and when the clearing of the inmates of the camp began, the number of the Polish Prisoners was 3,920 men including generals and colonels who were kept separately. There were also several scores of civilians, about 30 cadet-officers (podkhorunzhii) and ensigns (khorunzhii). All others were commissioned officers, of whom at least 50 percent were of the regular army, 8 generals, more than 100 colonels and lieutenant-colonels, about 250 majors, approximately 2500 first and second lieutenants of all branches of the service and auxiliary services. Among them there were 380 doctors, several professors of institutions of higher learning, etc.

Kozel'sk No. 1 and Ostashkov were camps for prisoners of war, both formed and cleared approximately at the same time.

The camp in Kozel'sk

On the day when the clearing of the camp began—on April 3rd, 1940—the camp had approximately 5,000 prisoners, among them 4,500 commissioned officers of all ranks and of all branches of the service.

Camp in Ostashkov

On the day when the clearing began—on April 6, 1940—this camp contained 6,750 men, among them 380 commissioned officers.

The clearing of the Camp in Starobel'sk

On April 5, 1940, the first group, consisting of 195 men, was sent from Starobel'sk Colonel Berezhkov the Soviet commandant, and commissar Kirshin official assured the prisoners of war, that they are being sent to the distribution center, from where they will be sent to the places of their residence, to Poland, both to the German or the Soviet part.¹ Up to April 26, inclusive, groups consisting of from 65 to 240 men were shipped.

On April 25, after the customary announcement concerning the sending of more than 100 men, a special list of 63 men was read, to whom the order was given to stand separately during the departure to the station.

After April 26 there was an interruption in the clearing of the camps until May 2, when 200 men were sent. After that the rest of the prisoners were sent with small groups on the 8th, 11th, and 18th of May. The group, which included me, among others, was sent to Pavlishchev Bor (Smolensky region), where we met the whole "special group" of 63 men, who were sent on April 25. Thus we numbered 79, almost all being commissioned officers from Starobel'sk, who were, after one year, released from Griasovecky camp. Adding to this number 7 more commissioned officers, who were shipped individually during the winter of 1939-40 from Starobel'sk, the total number of those commissioned officers who were released will make 86 out of 3920 men, i. e., slightly more than 2 percent of the total number of prisoners in Starobel'sk.

¹ According to the numerous letters received in Poland in the winter of 1940-41, we know for sure that nobody was then sent from Starobel'sk, Kozel'sk, and Ostashkov back to Poland.

The clearing of the camps of Kozel'sk and Ostashkov

It proceeded in like manner. In Pavlishchev Bor we found about 200 commissioned officers from Kozel'sk and about 120 men from Ostashkov. The proportion between the number of people brought to Pavlishchev Bor from these camps and the number of people confined there differed slightly from the proportion relating to Starobel'sk.

The camp in Griazovets

After a month's stay in Pavlishchev Bor the whole of the camp, approximately 400 people, was shipped to Griazovets near Vologda, where we remained until the day of [our] release. About 1,250 commissioned officers and enlisted men also arrived there, they were previously interned in Lithuania, Latvia, and Estonia and stayed as internees (not as prisoners of war) in Kozel'sk No. 2 from the fall of 1940 till the summer of 1941.

The camp in Griazovets was known to us as the only PW camp consisting mostly of commissioned officers of the Polish Army, which existed in the U.S.S.R. from June 1940 to September 1941, and the population of which, after their release, almost in full number, joined the Polish Army in the U.S.S.R.

Almost 6 months had passed since the "amnesty" to all Polish PW's and internees was proclaimed on August 12, 1941. Polish commissioned officers and enlisted men, released from confinement to which they were subjected when trying to cross the border after September 1939 or those arrested at places of their residence, were arriving, in groups or individually, to join the Polish Army. But despite the amnesty, in spite of the explicit promise given by the President of the Sovnarkom (Soviet of People's Commissars) Stalin himself, in November 1941, to our envoy Kot that PW's be returned to us, despite of a strict order to locate and liberate the PW's from Starobel'sk, Kozel'sk, and Ostashkov given by Stalin on December 4, 1941, in the presence of the Commanding General of the Polish Army Sikorski and General Anders, in spite of all this not a single prisoner of war appeared from Starobel'sk, Kozel'sk and Ostashkov (except the group from Griazovets mentioned before and a few scores of persons who were separately interned and liberated as early as in September).

No appeal for help from the PW's interned in the camps mentioned above has ever reached us.

In spite of the interrogation of thousands of persons returning from all the camps and prisons of the U. S. S. R. we shall have not obtained any reliable information on their [the prisoners, in Starobel'sk] whereabouts, except for the following rumors coming from second-hand sources: that from 6 to 12 thousands commissioned and noncommissioned officers were sent to Kolyma via Bukhta Nachodka in 1940;

That more than 5,000 commissioned officers were collected in the mines of the *Frants Iosif Islands*; that there were deportations to *Novaia Zemlia*, *Kamchatka*, and *Chukotka*; that in the summer of 1941, 630 commissioned officers, PW's from Kozel'sk, were working 180 kilometers from *Peslraia Dvetsa*; that 150 commissioned officers, clad in their uniforms, were seen north from the river *Sos'va* near *Gar'*; that some Polish commissioned officers, prisoners of war, were transported on huge towed barges (1,700-2,000 men to a barge) to *Severnye Ostrova* and that three such barges sank in *Barents sea*.

None of this information was confirmed sufficiently, although the information on *Severnye Ostrova* and *Kolyma* seems to be the most probable.

We know that every prisoner of war was registered, and that the "case records" of all us, with the numerous records on interrogations together with the documents, identified and checked photographs, were kept in special files. We know how carefully, and exactly this work of the NKVD was conducted, so that none of us, [former] prisoners of war, can believe for a second that the whereabouts of 15,000 PW's of which more than 8,000 are commissioned officers, could be unknown to the higher authorities of the NKVD. The solemn promise of the *Predsonarkom* Stalin himself and his strict order to ascertain the fate of the former Polish prisoners of war permit us to hope that at least we could know where our brothers in arms are and, if they have perished, how and when it happened.

Number of commissioned officers of the Polish Army, former prisoners of war, who did not return

On April 5, 1940, the day of the beginning of the clearance of the camp of inmates in *Starobel'sk*, the total number of commissioned officers, prisoners of war,

with the exception of some civilians and approximately 30 ensigns and cadet-officers was 3,920.

The number of prisoners of war in *Kozel'sk* on April 6, 1940, the day when clearing of the camp of inmates began, amounted to 5,000, among them commissioned officers constituted 4,500.

The number of prisoners of war in *Ostashkov* on April 6, 1940, the day when the clearing of the camp of inmates started, was 6,570; the commissioned officers constituted among them 380. Total 8,800 commissioned officers.

By deducting several scores of civilians from *Starobel'sk* the number of commissioned officers constitutes 8,700.

Some 300 commissioned officers from *Griazovets*, former prisoners of war from *Starobel'sk*, *Kozel'sk*, and *Ostashkov*, have returned to the Polish Army and furthermore several scores were released from prisons, into which they were sent from the above-mentioned camps, and returned, which makes the total number of returned commissioned officers not more than 400.

Consequently the following figure shows the number of commissioned officers who did not return from *Starobel'sk*, *Kozel'sk*, and *Ostashkov* camps—8,300 men.

All officers of the Polish Army, the number of which as of January 1, 1940, amounted to approximately 2,300 persons, were formerly confined or interned in Lithuania, Latvia, and Estonia, but they were not prisoners of war (with the exception of the above-mentioned 400 persons).

Being unable to define with similar precision the grand total number of all those who did not return, we give solely the figures of the prisoners of war from *Kozel'sk*, *Starobel'sk*, *Ostashkov*, the majority of which are officers, because we were able to determine their number with relative precision.

Because we were now expanding, by virtue of the decision of the Chairman of the Council of People's Commissars Stalin and of General Sikorski, our army in the south of the U. S. S. R., a continuously growing need is felt for these officers who disappeared; we are losing in them the best military experts, the best commanding personnel.

No special explanation is required to realize the extent to which the disappearance of many a thousand of brothers-in-arms obstructs the work of the creation in our army of confidence in the Soviet Union, which confidence is so much needed for a sound development of mutual relations between the two allied armies in their struggle against the common sworn enemy.

Commissioner for the Affairs of
Former Prisoners of War in the USSR
Captain of the Cavalry JOZEF CZAPSKI

Moscow, February 2, 1942.

MR. CZAPSKI. I would like at this time to say, in a few words, what is in this memorandum.

MR. FLOOD. You can proceed to testify from the best of your recollection as to what the memorandum contains, and refer to it, if necessary, to refresh your memory.

MR. CZAPSKI. I began this memorandum with an accurate and detailed account of how these officers were transferred to these various camps, including the numbers. Then I cite all of the promises made by Stalin in the presence of Molotov that all of these people are ordered to be released. Then I proceed to explain that Poles are arriving to us from all over Russia and that among them there isn't a single member nor a single name of any of these three camps. I then proceed to name all of the islands and far-away camps where there are rumors that these officers may be interned. I want to emphasize here that at that particular time I still believed that these men would be found.

MR. O'KONSKI. And that they were alive.

MR. CZAPSKI. Yes; and I believed that they were alive, or I hoped that they were alive.

And then I further state in my memorandum that I cannot believe that the Russians do not know the whereabouts or the fate of these soldiers.

I further stated that I know very well how carefully the NKVD records the movements of every prisoner.

I then stated in the memorandum that the solemn promises of Stalin that these men would be released authorizes me to inquire of them to tell me at least whether or not these men are still alive.

General Rajchmann read my memorandum very calmly. He said that he knows nothing about this matter, although I have heard from other sources that he was for a certain time in charge of the entire Polish section.

Mr. FLOOD. Just a minute. What was the date of that memorandum?

Mr. CZAPSKI. The 2d of April 1942.

Mr. MACHROWICZ. Just a minute; the 2d of April, or the 2d of February?

Mr. CZAPSKI. I have noted here on my copy of the original that it is the 2d of April. It is possible that it was the 2d of February.

Mr. MITCHELL. What, exactly, have you got at the top of that memorandum?

Mr. CZAPSKI. I must make a correction. In the typewritten statement, typewritten in Moscow, the date is given as the 2d of February. My own notation at the top is incorrectly stated, in my own handwriting.

Mr. PUCINSKI. The witness, Mr. Chairman, is indicating in his copy here on the last page, under the signature, as the typewritten date, "February 2d," and a little notation on the face of the memorandum, written by hand, is the date "April 2d."

Mr. MACHROWICZ. Just one question, and I would like to have your answer on the record. Do you now wish to correct your statement so that it will read that this conversation you had with General Rajchmann and the date of handing him the memorandum is February 2d, 1942—is that correct?

Mr. CZAPSKI. Yes, I want that very much.

Mr. FLOOD. Now that we have established the date, I want to ask you this. In all of your conversations with any Russians of any category any place during your search thus far, had anybody told you that the Polish missing officers must be German prisoners, or prisoners of the Germans?

Mr. CZAPSKI. Never. Not once had I been told anything of that sort. And here I would like to add that it was common knowledge that the Russians had evacuated the prisoners when the Germans were advancing along all points sooner than they even evacuated the Russian families. For how these evacuations were conducted I suggest that you read a chapter in my book, *Inhuman Land*, which has the original stenographic record of this entire procedure of evacuation.

Mr. MACHROWICZ. Mr. Czapski, in that memorandum that you handed to General Rajchmann, did you specifically mention the fact that there were about 15,000 prisoners in Kozielsk, Starobielsk, and Ostashkov, and that none of them had been heard from?

Mr. CZAPSKI. I must reply to this very expressly. There were 15,000 in all. There were officers; there was police; and there were also soldiers. Of the officers in these three camps, there were 8,700.

Mr. MACHROWICZ. Did General Rajchmann tell you whether he would furnish you with an answer to the memorandum?

Mr. CZAPSKI. Yes. General Rajchmann assured me that he would give me a reply.

Mr. MACHROWICZ. Did you receive the reply?

Mr. CZAPSKI. I waited several days in Moscow, and suddenly one evening—that is, at midnight—I was awakened by the telephone. That was General Rajchmann calling me personally, who, in a very sympathetic manner, informed me that he would not see me again and that he had no knowledge in this matter, and he advised me to return to Kuybishev to see Vishinsky, since all the records on this matter were with Vishinsky at Kuybishev.

Mr. MACHROWICZ. Just a minute. Was Vishinsky then Commissar of Foreign Affairs?

Mr. CZAPSKI. He was the Vice Minister.

I told Rajchmann in reply that Ambassador Kot had talked to Vishinsky on eight different occasions in this matter and that Vishinsky's answer always was that he had no knowledge in this matter.

Mr. FLOOD. Just a minute. The record should show that Ambassador Kot is the Ambassador from the London-Polish Government to the Soviet, and at this time was with the Diplomatic Corps at Guybishev.

Mr. MACHROWICZ. Did that conversation end your seeking for information from the Russian authorities on the fate of these Polish officers?

Mr. CZAPSKI. Actually, yes. There were subsequent conversations. There was one with Ehrenburg, but the results of this conversation had contributed nothing new.

Mr. MACHROWICZ. By "Ehrenburg", you mean Ilya Ehrenburg, is that correct?

Mr. CZAPSKI. Yes.

Mr. MACHROWICZ. Who was Ilya Ehrenburg?

Mr. CZAPSKI. He was one of two of the most noted Russian writers at the time, and he had received a special Stalin prize (100,000 rubles) from Stalin for his book entitled "The Collapse of Paris."

Mr. MITCHELL. One question. When did you cease to be the head of this chief investigative unit for the locating of the missing Polish officers in Russia?

Mr. CZAPSKI. After my return to the Polish forces, which was either in April—it was in April of 1942.

Mr. MITCHELL. Why?

Mr. CZAPSKI. First of all, because I ceased believing that these men were alive. I base this conclusion of mine on my discussion and conversation with Hajchmann. Secondly, I had learned in Turkistan at this time of the discussions of Merkulow in the Villa of Bliss.

Mr. MACHROWICZ. Now, you are referring to the conversation in which Merkulow said or admitted that the Russians made a great mistake with these Polish officers?

Mr. CZAPSKI. Yes, that is correct.

Mr. FLOOD. Now, Mr. Czapski, I take for granted that this about terminated your general search—not that you ended it; I know that you still continued in a general way from then on.

Mr. PUCINSKI. The witness indicated, Mr. Flood, that he wants to reply to that.

Mr. CZAPSKI. Officially my work was finished, and, naturally, I continued my interest in this search, and I first wrote the report which was sent to America and translated into English, called "The Death at Katyn."

Mr. FLOOD. Now, Mr. Czapski, where were you when the German announcement of Katyn was made in 1943?

Mr. CZAPSKI. I was at that time with the Polish Army in Iraq, as the Chief of the Propaganda Agency of the Polish Army.

Mr. FLOOD. What was your reaction, and what was the reaction of your fellow Poles, when you heard the German announcement about Katyn?

Mr. CZAPSKI. Naturally, our reaction was that this was done by the Russians. I do not remember that there was any one amongst us who doubted that anyone but the Russians could have done this.

Mr. PECINSKI. The witness is questioning the German translation of his original answer and states here:

Mr. CZAPSKI. We were fully aware that this could have been an act of the Germans because we knew of the German atrocities, but we knew that in this case this was done by the Russians because we were in Russia and we saw how the Russians had been evacuating these prisoners, and we knew that the Russians did not leave any prisoners to fall into the hands of the Germans.

Mr. MACHROWICZ. Now, Mr. Czapski, in the course of your many months of investigation in this matter, did you find any instances where the families of the officers at these three camps which you mentioned received letters from these people after April or May 1940?

Mr. CZAPSKI. Never; never. We had heard, from time to time, rumors that such letters existed, and we had intensely searched for these letters, and we had found that those letters had never actually existed.

Mr. MACHROWICZ. Now, in April or May 1940, this territory in which these camps were located was in whose hands, German or Russian?

Mr. CZAPSKI. The entire territory was in the hands of the Russians and was separated by hundreds of miles from the German territory, and it wasn't until the summer, or a year later, in the summer of 1941, that the Germans first arrived there.

Mr. DONDERO. Now, Mr. Czapski, have you ever seen or heard of any of these officers and soldiers since April or May 1940?

Mr. CZAPSKI. I have neither seen nor heard of these officers since April of 1940, and I would like to point out here that since my release from Griazovec the search for these men has been an obsession with me.

Mr. O'KONSKI. Will you state whether you see any similarity in the run-around which you and other Polish officials got from the Russians concerning Polish prisoners of war—do you see any similarity in the run-around which they got to the run-around which the United Nations are getting in Korea in dealing on the same subject?

Mr. CZAPSKI. I have not studied very carefully the situation in Korea, but it seems to me that if a massacre like this could have been perpetrated in Katyn it could also be repeated elsewhere.

Chairman MADDEN. Mr. Czapski, let me say this on behalf of the committee. You have testified here today under rather difficult cir-

circumstances by reason of using two interpreters in recording your testimony. You have reviewed the history of your experiences from back in 1939 on. Would you, from all these experiences, be in a position to say who, what government, is responsible for the massacre at Katyn, in your opinion?

Now briefly, briefly.

Mr. CZAPSKI. First of all, there is no doubt in my mind that these men were murdered by the Soviets.

Chairman MADDEN. I want to thank you for your testimony.

Mr. CZAPSKI. I must state my second point.

Chairman MADDEN. Very well.

Mr. CZAPSKI. Secondly, we keep forgetting that Russia is the most centralized country in the world whenever it comes to issuing orders or directives or policy. Therefore, the full responsibility for this crime does not rest with some NKVD sadist; the full responsibility rests with Beria and Stalin.

Chairman MADDEN. Have you anything further you would want to say before your testimony stops?

Mr. CZAPSKI. I believe not, Mr. Chairman.

Chairman MADDEN. I want to thank you for testifying here today.

Now, on account of the lateness of the hour, we will not have a recess but we will proceed with the next witness, who will not take such a long period of time.

Mr. FLOOD. Mr. Chairman, this committee communicated its request for information to both the Soviet and the Warsaw Polish Governments and, as well, to the Federated Republic of Germany. Since we are now about to begin with the first German witness, I have here the invitation and the reply of the Federal Republic of Germany to the committee in connection with their request for information and cooperation, and at this time I will insert them into the record. They have already been released publicly, and there is no particular reason for taking time to go into them further at this time.

Will you have the stenographer mark the letter of invitation as exhibit 2?

(The document referred to was marked "Frankfurt, Exhibit 2.")

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE TO INVESTIGATE THE KATYN FOREST MASSACRE,
Washington, D. C., March 18, 1952.

EXHIBIT 2

LETTER OF INVITATION FROM KATYN COMMITTEE

The Honorable CHARGÉ D'AFFAIRES OF THE FEDERAL REPUBLIC OF GERMANY.

MY DEAR MR. CHARGÉ D'AFFAIRES: The House of Representatives of the United States of America on September 18, 1951, unanimously passed House Resolution 390. A copy of this resolution is attached for your information.

This resolution authorizes and directs a committee of Congress to conduct a full and complete investigation and study of the facts, evidence, and extenuating circumstances both before and after the massacre of thousands of Polish officers buried in a mass grave in the Katyn Forest on the banks of the Dnieper in the vicinity of Smolensk, U. S. S. R.

This official committee of the United States Congress respectfully invites the Government of the Federal Republic of Germany to submit any evidence, documents, and witnesses it may desire on or before May 1, 1952, pertaining to the Katyn Forest Massacre. The committee will be in Europe during the month of April to hear and consider any testimony which may be available.

These hearings and the taking of testimony from witnesses are being conducted in accordance with the rules and regulations of the House of Representatives of the United States of America.

Very truly yours,

RAY J. MADDEN.

Chairman, Select Committee To Conduct an Investigation and Study of the Facts, Evidence, and Circumstances of the Katyn Forest Massacre.

Mr. FLOOD (continuing). Mr. Chairman, I show you exhibit No. 2-B and ask you whether or not this communication has been in your custody until it was presented to the committee today as the reply from the German Federal Republic to you.

Chairman MADDEN. It has, and we will put that in evidence as exhibit 2-B, together with exhibit 2-A, transmittal letter of the Department of State.

(Exhibit 2-A and 2-B is shown as follows:)

EXHIBIT 2-A

TRANSMITTAL LETTER OF DEPARTMENT OF STATE COVERING GERMAN DIPLOMATIC MISSION REPLY TO COMMITTEE

DEPARTMENT OF STATE.

Washington, March 31, 1952.

The Honorable RAY J. MADDEN,

Chairman, Select Committee to Investigate the Katyn Forest Massacre, House of Representatives.

MY DEAR MR. CHAIRMAN: At the request of the Chargé d'Affaires of the Federal Republic of Germany, I am transmitting a letter dated March 31, 1952, addressed to you by the Charge d'Affaires in response to your letter of March 18, 1952.

Sincerely yours,

JACK K. McFALL,

Assistant Secretary

(For the Secretary of State).

EXHIBIT 2-B

REPLY TO COMMITTEE INVITATION BY DIPLOMATIC MISSION OF THE
FEDERAL REPUBLIC OF GERMANY

DIPLOMATIC MISSION OF THE

FEDERAL REPUBLIC OF GERMANY.

Washington, D. C., March 31st, 1952.

The Honorable RAY J. MADDEN,

Chairman, Select Committee to Conduct an Investigation and Study of the Facts, Evidence and Circumstances of the Katyn Forest Massacre.

MY DEAR MR. MADDEN: I have the honor to acknowledge receipt of your letter of March 18, 1952, in which you inform me that the House of Representatives of the United States of America on September 18, 1951, unanimously passed House Resolution 390, which authorizes and directs a committee of Congress to conduct a full and complete investigation and study of the facts, evidence, and extenuating circumstances both before and after the massacre of thousands of Polish officers buried in a mass grave in the Katyn Forest on the banks of the Dnieper in the vicinity of Smolensk, U. S. S. R.

I have transmitted to my Government the committee's invitation to submit any evidence, documents, and witnesses it may desire on or before May 1, 1952, pertaining to the Katyn Forest Massacre. In reply to that invitation I have been instructed to inform you that the Government of the Federal Republic of Germany will be most willing to give any support and assistance within its power to contribute to the committee's investigation. As to the evidence and documents pertaining to the Katyn Forest Massacre which were collected during the war, I may point out that they will not be available as they were taken over by occupation authorities after the war came to an end.

I should therefore like to suggest that a meeting be held between a representative of your committee and this mission to discuss the best means and ways for cooperation in this matter.

Very truly yours,

HEINRICH L. KREKELER.

Chairman MADDEN. Werner Stephan.

Mr. Stephan, would you give your full name, please?

**TESTIMONY OF WERNER STEPHAN (THROUGH THE INTERPRETER,
DR. MARGA MEIER)**

Mr. STEPHAN. Werner.

Chairman MADDEN. Would you spell that for the record?

Mr. STEPHAN. W-e-r-n-e-r, Stephan, S-t-e-p-h-a-n.

Chairman MADDEN. I understand you have no objection to being photographed.

Mr. STEPHAN. No.

Mr. FLOOD. Has the interpreter been sworn?

Dr. MEIER. No.

Mr. FLOOD. You will be sworn, please.

Chairman MADDEN. Do you solemnly swear that you will interpret the testimony to be given by the witness correctly from German to English and from English to German?

Dr. MEIER. I do.

Mr. FLOOD. What is your name, young lady?

Dr. MEIER. Dr. Marga Meier.

Chairman MADDEN. Now, Mr. Stephan, the counsel will read the statement before you are sworn.

Mr. MITCHELL. Before you testify it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel either in criminal or in civil proceedings for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as the result of your testimony.

Dr. MEIER. The witness indicated that he understood it.

Mr. FLOOD. Now, will you stand and be sworn, please.

Chairman MADDEN. Raise your right hand.

Do you solemnly swear, in the testimony about to be given, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STEPHAN. I swear it, so help me God.

Mr. FLOOD. What is your full name?

Mr. STEPHAN. Werner Stephan.

Mr. FLOOD. Were you in any way identified with the former German Government in any official capacity?

Mr. STEPHAN. Yes, I was Ministerialrat; that is, Ministerial Counselor in the Ministry of Propaganda.

Mr. FLOOD. Who was the chief in the Ministry of Propaganda under whom you served?

Mr. STEPHAN. That was Dr. Goebbels.

Mr. DONDERO. What was that answer?

Mr. STEPHAN. Dr. Goebbels.

Mr. FLOOD. Mr. Stephan, I direct your attention to the year of 1943 and ask you whether or not you were identified with the former German Government in that year in the capacity you have just indicated.

Mr. STEPHAN. Yes. At that time I had been working for 14 years for the President of the Reich Government.

Mr. FLOOD. What was your former business occupation?

Mr. STEPHAN. I was a journalist.

Mr. FLOOD. Now I direct your attention to the matter of the Katyn massacre and ask you how that matter first was brought to your attention in your official capacity.

Mr. STEPHAN. During the first days of April 1943, a journalist whom I had known for a very long time came to see me. At that time he was stationed near Smolensk as a soldier, and he came to see me in order to tell me something of great importance.

Mr. MITCHELL. What was his name?

Mr. STEPHAN. His name was Hans Meyer.

Mr. FLOOD. What was his rank and what unit was he connected with in the Germany Army at that time, and where was it located?

Mr. STEPHAN. Meyer had been working for several years as a department chief with the information center and had then been drafted to a press unit near Smolensk.

Mr. FLOOD. What was his business before he entered the armed forces, if you know?

Mr. STEPHAN. He was a journalist, and he belonged to the Deutsche Nachrichten Bureau, which was the official German news agency.

Mr. FLOOD. All right. Tell us what happened, how you became acquainted with the Katyn matter, and what was Meyer's connection with it, so far as you were concerned.

Mr. STEPHAN. Meyer told me that he had to come to Berlin because in the area where he was stationed strange and, as it seemed to him, important things were happening. There had been rumors in this area spread by the Russian population that mass graves of Polish officers were there. Finally higher military commands had gotten knowledge of these rumors, and exhumations had been started. Now, it seemed to him that the whole affair was not started correctly and that the military commands were not aware of the importance of the whole matter. He was afraid that this was a political matter and that the military commands were not fully aware of the importance of this matter, and if there were exhumations carried out at all they had to be taken very seriously and records had to be taken and transcripts made and, if possible or necessary, international agencies or bodies would have to be formed.

Approximately the following: You know yourself, military commands grab everything and want to do everything, and they treat everything as a very secret matter and don't want to have anyone interfere; but really and actually, they don't understand anything about it. That is why Meyer had come to Berlin, because he thought that the political agencies had to be interested because the military commands did not begin it correctly.

Mr. FLOOD. What you mean is that Mr. Meyer was afraid of the Army, that he was afraid of the propaganda value of the discovery; was he not?

Mr. STEPHAN. Yes. Not exactly the propaganda value, but the political value.

Mr. FLOOD. You make a distinction between the two things, do you?

Mr. STEPHAN. Yes. Propaganda may be the utilization which need not necessarily be correct, whereas political evaluation, I think, is a different thing.

Mr. FLOOD. What agency were you working for?

Mr. STEPHAN. With the press department.

Mr. FLOOD. Why did Meyer come to you?

Mr. STEPHAN. Because I was an old acquaintance of his.

Mr. FLOOD. An old friend?

Mr. STEPHAN. Maybe "friend" is saying too much; but we knew each other for quite some time.

Mr. FLOOD. What did he ask you to do?

Mr. STEPHAN. He asked me to get him in contact with the high political agency, and I think that he was thinking in particular of Dr. Goebbels.

Mr. FLOOD. Did he ask especially about Dr. Goebbels?

Mr. STEPHAN. He did also ask for Dr. Dietrich, who was at that time press chief of the Reich Government.

Mr. FLOOD. What did you do?

Mr. STEPHAN. Dietrich was at that time in the Fuehrer headquarters and therefore could not be reached. So I went to Goebbels' office and told them roughly what had happened. I told them in particular that Meyer asked to be received by Goebbels.

Mr. FLOOD. What arrangements did you make?

Mr. STEPHAN. I was first asked whether this man was really serious, because what I had told them briefly seemed rather sensational and, on first sight, not very credible. I told them that Meyer was a serious and reliable man and a good and well-proved journalist and that there were no objections to his being received. Thereupon, there was a reception with Dr. Goebbels.

Mr. FLOOD. Were you present?

Mr. STEPHAN. No; I was not.

Mr. FLOOD. Did Meyer ever report to you after he talked to Dr. Goebbels?

Mr. STEPHAN. Yes; he did. He came to me immediately after the reception and told me how the conversation had developed.

Mr. FLOOD. Could you tell us the day and the month and the year of Meyer's meeting with Goebbels?

Mr. STEPHAN. I should assume that it was the 1st or 2d of April 1943.

Mr. FLOOD. Will you give us the gist of Meyer's report to you after his meeting with Goebbels on this subject?

Mr. STEPHAN. Of course, I can do that only in very general terms, because 9 years have passed since then, and at that time I did not think or assume that I would ever have to testify as to that before an American commission.

Mr. FLOOD. Do you want to try?

Mr. STEPHAN. Yes.

Mr. FLOOD. Go ahead.

Mr. STEPHAN. Of course, it can only be a general impression. Meyer said approximately that Dr. Goebbels was extremely surprised. If I am permitted to say it less seriously, I should like to say he could

hardly believe the fortune that had occurred to him. He was so very much surprised that such an important news should just come to him.

Several days passed and, as far as I know, Dr. Goebbels went to Hitler during these days, as he frequently did, and he reported to Hitler concerning this matter. And upon his return, he had the satisfaction, which was always felt during the Third Reich, that if, in a struggle of certain contests you were victorious over a rival, and in this case your rival was the army, the armed forces, and Dr. Goebbels had received authority to take over the case and the armed forces had to transfer the matter to him.

Mr. FLOOD. Where is Meyer today, if you know?

Mr. STEPHAN. As far as I know, he fell in action in Berlin in 1945.

Mr. FLOOD. And that, Mr. Stephan, is your connection with the official communication?

Mr. STEPHAN. Yes, that is all.

Mr. MACIROWICZ. Mr. Stephan, could you tell us whether Meyer told you when the German Army first learned of the presence of these graves?

Mr. STEPHAN. I think I have to make a distinction between the rumors and the time when these rumors were taken seriously. The rumors must have been there for quite some time, but the relationship between the Russian population and the German soldiers in this area was not particularly cordial, and the Russians obviously were shy and did not dare tell the official German agencies of these occurrences. But when the matter finally became official, I do not think that very much time elapsed until the time when he came to Berlin.

If I may estimate it roughly, I would say it would be about 2 weeks—14 days.

But I am sure that the German officers who will testify here also and who were stationed in this area will be in a much better position to testify as to that.

Mr. MACHROWICZ. Just one other question.

To the best of your knowledge, was Mr. Meyer's information to the Minister of Propaganda the first information that had been received on the existence of these graves?

Mr. STEPHAN. Yes. I am convinced of that.

Mr. DONDERO. Mr. Stephan, did you see the graves at Katyn?

Mr. STEPHAN. No. I have never been in that region.

Mr. DONDERO. That is all, Mr. Chairman.

Chairman MADDEN. Are there any further questions?

Mr. Stephan, we want to thank you for coming here this afternoon and testifying.

That is all.

The next witness is Col. Albert Bedenk.

TESTIMONY OF COL. ALBERT BEDENK, JOHANNISBERG IM RHEINGAU, GERMANY (THROUGH INTERPRETER ECKHARDT VON HAHN)

Chairman MADDEN. Will you just give your name?

Colonel BEDENK. Albert Bedenk.

Chairman MADDEN. Will you give us your address, please?

Colonel BEDENK. Albert Bedenk; 55 years old; Johannisberg im Rheingau.

Chairman MADDEN. Mr. Bedenk, the counsel will read a statement to you and then the interpreter will repeat it. You can sit down while the counsel is reading it.

Mr. MITCHELL. Before you testify, it is our wish to invite your attention to the fact that, under German law, you will not be liable for slander or libel, either in criminal or civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as the result of your testimony.

Colonel BEDENK. I understand.

Mr. FLOOD. Does the witness understand the admonition?

Colonel BEDENK. Yes.

Chairman MADDEN. Will you stand and raise your right hand?

Do you solemnly swear that you will testify to the truth, the whole truth, and nothing but the truth; so help you God?

Colonel BEDENK. I swear, so help me God.

Chairman MADDEN. Congressman Flood, proceed.

Mr. FLOOD. What is your name?

Colonel BEDENK. Albert Bedenk.

Mr. FLOOD. Were you at any time ever identified with the German armed forces?

Colonel BEDENK. I was a German soldier from 1914 to March 28, 1946.

Mr. FLOOD. Directing your attention to the outbreak of hostilities between Germany and Soviet Russia, in what rank and capacity were you serving at that time?

Colonel BEDENK. In October 1940 I took over the Signal Regiment 537, with the rank of lieutenant colonel and was commanding officer of the regiment to November 21, 1941.

Mr. FLOOD. Directing your attention to the hostilities on the eastern front, were you ever, in your official capacity, in the armed services, serving in that area?

Colonel BEDENK. Yes; I was. I went to that area as regimental commander of the Signal Regiment No. 537, and it was my duty to arrange all the communications between the various armies belonging to the central Army group.

Mr. FLOOD. Did you ever serve in the area of Smolensk in that capacity?

Colonel BEDENK. Yes, I did.

Mr. FLOOD. Will you tell us when you first entered the Smolensk area, from where you came, and when you got there?

Colonel BEDENK. The staff headquarters of the center army group was located in Borissov from July to approximately September 20, 1941.

Mr. FLOOD. When did you move into Smolensk?

Colonel BEDENK. During all the fighting around Smolensk, the army group had been thinking of where they could possibly get billets, and then they had decided on the area of Smolensk, to set up their headquarters there. Through this I had the opportunity of getting to Smolensk first because I had to see that all communications would be

established by the time the army group would move into the area, so that they would find all the communications ready and at their disposal, in proper working order.

Mr. FLOOD. How close was your movement behind the lines of the actual combat forces in that area on the day you got there?

Colonel BEDENK. Smolensk had already been taken some time ago, and the first-run troops had already gone as far as Vyazma, hundreds of kilometers east of Smolensk, in the direction of Moscow. The first time I got to that area was on July 28-29, 1941. On that day I had a conversation. It was with the signal chief of the army, not of the army group—at that time, still Col. General von Kluge. I had to supervise the work of my construction companies, who were establishing all the communications, and went right into the Smolensk area and surveyed the whole area.

Mr. FLOOD. What was the name of the chief military unit in the Smolensk area, and who was the commanding general?

Colonel BEDENK. It was the center army group, under the command of Field Marshal von Bock.

Mr. FLOOD. What was the capacity of General von Kluge at that time?

Colonel BEDENK. At that time, General von Kluge was commander in chief of the fourth army, belonging to the center army group.

Mr. FLOOD. How many armies were in that army group under Bock?

Colonel BEDENK. At the time of the advance, we had four armies within the center army group.

Mr. FLOOD. Where was von Kluge's headquarters set up with relation to the city of Smolensk?

Colonel BEDENK. It was located west of Smolensk to the south of the River Dnieper.

Mr. FLOOD. Who was the communications chief?

Colonel BEDENK. Major General Gercke.

Mr. FLOOD. Who was your immediate superior?

Colonel BEDENK. Major General Oberhaeuser.

Mr. FLOOD. Who was chief of intelligence in the Smolensk area at that time, if you know?

Colonel BEDENK. They did not have a direct chief of intelligence, but they had a 1-C, as he was called in the German Army.

Mr. FLOOD. Who was that?

Colonel BEDENK. At that time, still Lieutenant Colonel von Gersdorff; later on, major general.

Mr. FLOOD. Where did you set up your regimental command headquarters?

Colonel BEDENK. I put my regimental staff into a building approximately 4 kilometers west of the headquarters of the staff of the Center Army Group, in a house which was right on the banks of the River Dnieper.

Mr. FLOOD. Did the building in which your staff was housed have any particular name in the area?

Colonel BEDENK. There was some talk in the region that the building had been sort of a recreation home for the commissars in Smolensk.

Mr. FLOOD. What did the people in the area call the place? Did it have any particular name of any kind?

Colonel BEDENK. There was some talk of the G. P. U. house.

Mr. FLOOD. Did you ever hear of a place called either the "Little Dnieper Castle" or the "Dnieper Castle," or the "Red Castle"?

Colonel BEDENK. No.

Mr. FLOOD. Did you ever hear of the forest or the town of Katyn?

Colonel BEDENK. Yes; because we were actually billeted in the forest of Katyn.

Mr. FLOOD. Do you mean this regimental staff headquarters that you just described was actually in the forest of Katyn?

Colonel BEDENK. Yes, I do.

Mr. FLOOD. What was the name and number of your regiment at that time?

Colonel BEDENK. The official designation was Signal Regiment 537 of the Center Army Group.

Mr. FLOOD. And you were the first colonel to take that outfit into the Katyn Forest, were you not?

Colonel BEDENK. Yes, I was.

Mr. FLOOD. When did you get there?

Colonel BEDENK. We transferred from Borisow with the regimental staff approximately in the middle of August. It may have been the beginning; approximately the middle.

Mr. FLOOD. When did you turn over the command of that regiment to your successor?

Colonel BEDENK. Colonel Ahrens came out to the eastern front on October 20, 1941, and during the period from between October 20 and November 20, I told my successor, who at that time was still Lieutenant Colonel Ahrens, all he ought to know about things there, and actually prepared him for his new job.

Mr. FLOOD. On what date did you turn it over to Colonel Ahrens?

Colonel BEDENK. I did not actually hand over on a specific day; this handling over business stretched over a whole month.

Mr. FLOOD. When did you relinquish the command of the regiment?

Colonel BEDENK. On the 20th of November 1941.

Mr. FLOOD. How many men did you have on your staff when you were in this headquarters in the Katyn Forest—with particular attention to the number of officers and noncommissioned officers?

Colonel BEDENK. The total strength was approximately 17, of which 5 or 6 were officers and 4 were noncommissioned, and the rest enlisted men.

Mr. FLOOD. About how many enlisted men did you have serving at the staff headquarters?

Colonel BEDENK. For security reasons, to do guard duty, I had requested and received two postal constructional units, which actually belonged to the regiment, and they had been detailed to my staff headquarters.

Mr. FLOOD. I do not mean that kind of personnel; I mean enlisted personnel actually on the staff at headquarters.

Colonel BEDENK. I don't remember the actual numbers; some drivers and cook and "flunkies."

Mr. FLOOD. How many? Can you give us an educated guess.

Colonel BEDENK. About 9 or 10 men, including NCO's.

Mr. FLOOD. Did you have any natives of the area, Russian peasants, male or female, working in any capacity at the staff headquarters?

Colonel BEDENK. I had brought with me from Borrisow three Russian POW's, one a carpenter, the other two, agricultural laborers who had been working for me, and I took them along to Katyn, to my staff headquarters.

Mr. FLOOD. Did you employ any natives of the immediate area of Katyn, of Smolensk?

Colonel BEDENK. Yes, I did. First, for kitchen duty, I had taken on some women from Smolensk, and later on, some women from the near vicinity, because Smolensk was too far away.

Mr. FLOOD. Will you describe, in as complete detail as you recall, the physical lay-out of this building, which was your regimental staff headquarters?

Colonel BEDENK. The building was located approximately 1,000 to 1,200 meters away from the highway, right on the banks of the Dnieper River.

Mr. FLOOD. Between what two big towns nearest did the highway run?

Colonel BEDENK. The two towns were Orscha and Smolensk.

Mr. FLOOD. Did it appear to be a new highway, or an old highway, a new road or an old one?

Colonel BEDENK. It was an old road.

Mr. FLOOD. Tell us more about the layout of this building inside and outside, around the area.

Colonel BEDENK. It was a double-story house. It was surrounded by continuous balconies right around the building, on both floors. There was a main building and some outbuildings. On the lower floor there were 2 very large rooms measuring approximately 20 by 40 feet each, and 4 or 5 smaller rooms. The upper floor had only one of those large rooms, the same mentioned as downstairs, and also 4 or 5 smaller rooms, which could have been used as guest rooms.

The main outbuilding contained the kitchen and a number of smaller rooms, 6 to 8 of them, not of equal size, some smaller, others a bit larger, which could also accommodate several people, up to 4 people, for instance, overnight.

Mr. FLOOD. How far was the house from the highway?

Colonel BEDENK. As I said before, between 1,000 and 1,200 meters.

Mr. FLOOD. Do you know of the station or the town of Gniezdowo?

Colonel BEDENK. I don't remember it.

Mr. FLOOD. How far was the house from the city or the town of Smolensk?

Colonel BEDENK. Approximately 8 to 9 kilometers—that is five to six miles.

Mr. FLOOD. How far was the house from the town or the village of Katyn?

Colonel BEDENK. Between 4 and 5 kilometers, about—about 13 or 14 kilometers.

Mr. FLOOD. Will you describe just briefly the area in the forest within 500 meters of the house?

Colonel BEDENK. The house, as seen from the highway, was located in a dense pine forest. Partly it was mixed forest. There were no clearings, that I noticed. It was a typical Russian forest, not well kept, just the ordinary Russian forest.

Mr. FLOOD. The witness shows the committee a small photograph, which indicates in the front of the photograph a river, with a wooded shore on an elevation of about 15 degrees, and, on the top, what appears to be a fairly large-sized wooden building, with a castle-like tower on the left.

I am not concerned so much with the appearance of the forest between the house and the river; I am concerned now with the appearance of the forest within 1,000 meters on the other three sides.

Colonel BEDENK. The house was also surrounded on the other three sides by a dense mixed forest, pines and also evergreen trees.

Mr. FLOOD. Did you ever take any walks in the forest for recreation or other purposes during the period you were there?

Colonel BEDENK. Yes, I did.

Mr. FLOOD. Alone, or with others?

Colonel BEDENK. I frequently took walks with General Oberhaeuser whenever we had something to discuss with reference to our duties.

Mr. FLOOD. During the course of those walks in any part of the Katyn woods in any area of this house, did you ever see any mounds of any kind or earth piles of any sort that attracted your attention?

Colonel BEDENK. On the occasion of such walks, both I and General Oberhaeuser did notice some small mounds, which were about 1 to 2 meters long—that is, 3 to 6 feet long—and about 3 centimeters—that is one foot—high. But altogether, the country was slightly undulating.

Mr. FLOOD. How far, if you recall, from the headquarters house were any of these mounds of earth?

Colonel BEDENK. Between 80 and 150 meters.

Mr. FLOOD. Did they resemble in any way freshly dug graves or earth piled up over freshly dug graves?

Colonel BEDENK. No. We never had that impression.

Mr. FLOOD. Did you or General Oberhaeuser ever comment to each other or to anybody else, that you recall, in connection with those mounds or graves?

Colonel BEDENK. No, we did not, either.

Mr. FLOOD. Were there any odors of any kind emanating from the area, that were particularly noxious, if you recall, that you noticed?

Colonel BEDENK. No. If I had noticed anything like that I would never have set up my staff headquarters there.

Mr. FLOOD. If there had been any you would have noticed it, would you not?

Colonel BEDENK. Yes; definitely.

Mr. FLOOD. During the time when you first moved into the Katyn area, did you see or have any reports of Polish prisoners at that time?

Colonel BEDENK. I never heard anything of that kind.

Mr. FLOOD. Did you see any Polish prisoners in the area yourself?

Colonel BEDENK. No, I did not.

Mr. FLOOD. Did you occupy any Russian prison camps?

Colonel BEDENK. No, I did not. I never saw a prison camp.

Mr. FLOOD. You told me that you had some Russians from the area who were working in your staff headquarters somehow or other, domestic workers.

Colonel BEDENK. Yes, that is correct.

Mr. FLOOD. And you said that you had several Polish POW's working around there.

Colonel BEDENK. Not Polish ones; Russian POW's.

Mr. FLOOD. Did you have any conversations, or did you not hear from any of the people that worked for you, or any of your soldiers or anybody, at any time, any stories about Polish prisoners or Poles being killed, or anything of that kind?

Colonel BEDENK. My Russian prisoners told me that they had been told by Russian civilians of that area that shooting had taken place in the Katyn Forest, a lot of shooting, but they never referred to any Polish prisoners having been shot.

Mr. FLOOD. Did you ever receive, from any German superior officer, or did you ever hear of orders issuing through the German command, to kill Polish officers or commissars or Russian officers or commissars?

Colonel BEDENK. No, never.

Mr. FLOOD. You never heard discussed, at any time from higher echelons, any discussion or question among your brother officers about orders from superior German command for that purpose?

Colonel BEDENK. No, never.

Mr. FLOOD. Did you ever order any Polish prisoners killed yourself?

Colonel BEDENK. No, I never saw any.

Mr. FLOOD. Who was Von Eichborn?

Colonel BEDENK. Von Eichborn was communications expert with the Chief of Communications of the Central Army Group.

Mr. FLOOD. Was he ever stationed with you at your regimental staff headquarters, in residence?

Colonel BEDENK. Von Eichborn did not live at my staff headquarters. He lived about four kilometers away, but very frequently came to my staff headquarters because I also had an officer working on the same thing, also an expert on communications, and these two had to do quite a bit of work together.

Mr. FLOOD. Who was Lieutenant Hodt?

Colonel BEDENK. First Lieutenant Hodt was sometimes detailed to my staff from one of the companies as orderly officer attached to me.

Mr. FLOOD. As an experienced colonel in the army at that time, if you knew or had heard that there were graves or a grave containing several thousand bodies in a certain place in a forest, would you have placed your regimental staff command residence within 50 to 100 kilometers of that spot, had you known?

Colonel BEDENK. No, I would not.

Mr. FLOOD. Did you ever put up or give quarters to any groups of German soldiers of any other outfits, up to the number of 25 or 30, during the entire period you were at the staff headquarters?

Colonel BEDENK. No, never. I never had any other troops there.

Mr. FLOOD. Were there any Einstazgruppe Kommandos in your area in Smolensk when you moved in?

Colonel BEDENK. I am unable to say. I don't know. I didn't see any.

Mr. FLOOD. What were the general security orders, if any, that you gave in the area of your regimental staff headquarters?

Colonel BEDENK. In the daytime, I had a double guard posted on the highway at the spot where the road to my house branched off.

Mr. FLOOD. Why?

Colonel BEDENK. First of all, for the purpose of catching units of my regiment, or dispatch riders, or officers looking for me, to put them on the right road to my house, because the house was so hidden among the trees that it could not be seen from the highway.

Mr. FLOOD. How many guards in any one day, in any period of time you were there, would you have posted?

Colonel BEDENK. In daytime, I had only those two guards posted at the highway, and, at night, I had a patrol of two men going around the house all the time.

Mr. FLOOD. Did you ever throw up a cordon of armed guards in the entire forest area with relation to the highway, the river, 1,000 meters from the house, your house, at any time you were there?

Colonel BEDENK. No, never.

Mr. FLOOD. Was the area verboten to everybody, including civilians?

Colonel BEDENK. The area was not a verboten area. It was all open, particularly in view of the fact that near the house there was a crossing point for the river where the peasants used to cross over in boats, and there was always some civilian traffic passing by.

Mr. FLOOD. Was there much traffic, military or civilian, or both, on the highway passing in both directions within 1,000 meters of your house during the time you were there?

Colonel BEDENK. During the first time, in August and September, traffic was very heavy.

Mr. FLOOD. Day and night?

Colonel BEDENK. Day and night.

Mr. FLOOD. Did you have any electric lights or any kind of high-powered lights erected on trees in the area of your headquarters or within 1,000 meters of your headquarters in the forest in any direction?

Colonel BEDENK. No, we had no electric lights at all.

Mr. FLOOD. Did you ever have any staff conferences as high as division or group level at your headquarters while you were there?

Colonel BEDENK. Yes, there was one conference in September when all of the communications chiefs of the army group were convoked to my staff headquarters for a conference.

Mr. FLOOD. Was your outfit armed?

Colonel BEDENK. Yes, it was.

Mr. FLOOD. What did they carry?

Colonel BEDENK. Carbines, and the postal construction companys only carried pistols.

Mr. FLOOD. What did the NCO's carry?

Colonel BEDENK. They only had pistols.

Mr. FLOOD. How many NCO's did you have at your staff headquarters carrying pistols?

Colonel BEDENK. Six or eight.

Mr. FLOOD. Who were these postal workers you are talking about?

Colonel BEDENK. They were half civilians and half soldiers.

Mr. FLOOD. What kind of bread is that?

Colonel BEDENK. They were construction groups, civilians employed by the German Reich Post and working on the telephone and telegraph lines, and were detailed from the postal authorities to the

army and had been put in uniform and were doing the same work out there that they were doing at home in ordinary times.

Mr. FLOOD. You mean the post office just turned them over to the army en masse and the army put uniforms on them, and there they were?

Colonel BEDENK. Not quite as roughly as that. As long as the German Army was still within the territory of the former Reich, the postal authorities were still running all these lines and looking after them, and so they were just attached to whichever regiment or division was there.

Mr. FLOOD. You wouldn't call them very skilled marksmen, would you?

Colonel BEDENK. Probably there must have been a number of old soldiers among them.

Mr. FLOOD. Among the postal workers?

Colonel BEDENK. Yes.

Mr. FLOOD. Now, Colonel, the Soviet report on a commission convened by the Soviet to investigate the Katyn massacres, and the indictment at Nuremberg of one Goering, which contained the Katyn matter, and the Soviet prosecution of that indictment at the Nuremberg trials, charged that these murders were committed by Construction Regiment 537 under the command of a Colonel Ahrens.

Colonel BEDENK. This accusation is wrong in every detail.

Mr. FLOOD. When did Colonel Ahrens take over from you, to repeat for the record?

Colonel BEDENK. Colonel Ahrens took over the regiment from me on November 20, 1941.

Mr. FLOOD. So, Colonel Ahrens was not in command in that area for several months prior to November, was he?

Colonel BEDENK. That's correct. He took over the regiment on November 20 although he had already arrived one month prior to that date, October 20, in order to get ready and to know about things and what duties he would have, and he had no executive power.

Mr. FLOOD. According to the Soviet report and the Soviet prosecution at Nuremberg, these murders were committed during a time and by a regiment of the same number as yours during the period of time when you were in command in that area.

Colonel BEDENK. I know that the Soviets came out with this accusation.

Mr. FLOOD. I ask you two final questions:

Did you receive or give any orders for the execution of any prisoners of war, particularly Polish officers, in the Katyn Forest during the time you were in command there?

Colonel BEDENK. No.

Mr. FLOOD. If any such executions or murders had taken place, being done by anybody else, especially Germans, day or night, in that area during the period of time you were in command, could it possibly have been done without your knowing or hearing about it?

Colonel BEDENK. If any firing had taken place at all, I would have known about it immediately because it would have been reported to me straight away.

Mr. FLOOD. Did you see any executions? Did you ever hear of any such executions, or were reports of any ever made to you?

Colonel BEDENK. No. The first I heard about the shooting of these Polish officers was after the graves had been opened.

Mr. FLOOD. What was the answer to my question—yes or no?

Colonel BEDENK. No.

Mr. FLOOD. That's all.

Mr. MACHROWICZ. Are you now serving in any capacity for the German Government?

Colonel BEDENK. No. I am war disabled and live on a pension.

Mr. MACHROWICZ. Have you, before you were called to this committee, consulted with anyone regarding your testimony?

Colonel BEDENK. No, I did not.

Mr. MACHROWICZ. Have you been instructed by anyone other than this committee in any way regarding your testimony today?

Colonel BEDENK. No, by nobody.

Mr. MACHROWICZ. Have you read the official Russian report on the Katyn Forest?

Colonel BEDENK. I merely read the articles which were published in the periodical Spiegel and in the Schwabischer Nachtrichter, and found quite a few details were incorrect in them.

Mr. MACHROWICZ. Did you notice in that official Russian report the statement that the building you described as your headquarters was used as a place of orgy for German officers?

Colonel BEDENK. No.

Mr. MACHROWICZ. Did you read that report?

Colonel BEDENK. No, I never read it.

Mr. MACHROWICZ. Do you know Oberleutnant Rekst?

Colonel BEDENK. Rekst was my regimental adjutant and he was also regimental adjutant at the time of Colonel Ahrens.

Mr. MACHROWICZ. Do you know that a Russian official by the name of Anna Aleksiejewa stated in her affidavit in the Russian report that Oberleutnant Rekst was the adjutant of Colonel Ahrens? Is that true?

Colonel BEDENK. Yes.

Mr. MACHROWICZ. Do you know Lieutenant Hodt?

Colonel BEDENK. Yes, I do.

Mr. MACHROWICZ. Was he under your command?

Colonel BEDENK. Yes, he was in my regiment.

Mr. MACHROWICZ. And also a man by the name of Lumert?

Colonel BEDENK. That was the staff corporal sitting in the regimental office doing the secretarial work. Later on, he was made an officer, but not at that time.

Mr. MACHROWICZ. I'll mention a few other names she noted in her affidavit and ask you if you remember them.

Rose, who had charge of the electric plant.

Colonel BEDENK. That's possible. We had a pumping station. It might be this one here on this picture.

Mr. FLOOD. The witness shows the committee a picture of what is obviously a pumping house or power house, with two soldiers standing there, obviously employed in some capacity with that machinery.

Mr. MACHROWICZ. Was Oberleutnant Ahrens in the Katyn area at the same time you were?

Colonel BEDENK. Yes, he was there for one month together with me, from October 20 to November 20. I left the area after handing over the regiment to him on November 21.

Mr. MACHROWICZ. Did you have a man there whom you used as an interpreter whose first name was Johann?

Colonel BEDENK. That might have been my flunky, but his first name was Josef.

Mr. MACHROWICZ. For your information, Aleksiejewa claims that Johann, at the request of Ahrens, instructed the peasants in the area not to say anything about the shooting they had been hearing while you were in charge. Is there any truth in that statement?

Colonel BEDENK. I do not know, but it is possible, in my opinion, that this Johann or Josef was later on taken into the staff of the regiment, but that was after I had gone, so I do not know about that.

Mr. MACHROWICZ. You have testified previously that you were told by some of the local people that shootings had taken place in this forest, is that correct?

Colonel BEDENK. Yes, that's correct.

Mr. MACHROWICZ. Did they tell you when those shootings had been taking place?

Colonel BEDENK. No, they did not give any details.

Mr. MACHROWICZ. Didn't you consider it important to inquire?

Colonel BEDENK. No, for the simple reason that I assumed that all this shooting was in connection with the fighting that had taken place around about there—that they meant that.

Mr. MACHROWICZ. Didn't these mounds that you saw in the area stir any suspicion in your mind?

Colonel BEDENK. No, none.

Mr. MACHROWICZ. Did you ever investigate what those mounds were there for?

Colonel BEDENK. No, I didn't, because I wasn't interested in that.

Mr. MACHROWICZ. Did you find in the area of Katyn within, say, ten or twelve kilometers, any encampments?

Colonel BEDENK. I didn't find any encampment in my region, but it is possible that where the army group was billeted, that being old army territory, there might have been some encampment, and something was being said about a childrens' recreational institution located in that area before the war.

Mr. MACHROWICZ. The Russians claimed that there were three camps within a close proximity of this Katyn Forest and that the Polish officers were located in these three camps and were left behind them when the Germans advanced forward. Now, do you know anything about the existence of any camps which might answer that description?

Colonel BEDENK. I never saw any such installations which might have been camps.

Mr. MACHROWICZ. You had charge of communications for how many miles in that area?

Colonel BEDENK. My communications stretched over hundreds of kilometers, as far as Vyazma and Orel and north to the Ninth Army and even to a tank army that was operating hundreds of kilometers away.

Mr. MACHROWICZ. If there were any camps of that type near the railroad line wouldn't you have known about them?

Colonel BEDENK. Along the railroad lines, no, because we never used the railroad. We had nothing to do with them.

Mr. MACHROWICZ. If they were along the lines of communication, would you have known?

Colonel BEDENK. But we had only something to do with communications.

Mr. MACHROWICZ. Do you know what the first railroad station is, west of Smolensk?

Colonel BEDENK. I do not recollect exactly. Something like Krosny Bor, I believe.

Mr. MACHROWICZ. Do you remember what the second station was?

Colonel BEDENK. I do not recollect. I was never on the railroad, so I do not know.

Mr. MACHROWICZ. Does the name Gniezdowo bring any recollection to you?

Colonel BEDENK. The village of Gniezdowo was near this highway and near Katyn.

Mr. MACHROWICZ. Did you ever return to the place where the graves were, after you had left there in November?

Colonel BEDENK. Yes, I returned to this area in August 1943, to check out with General Oberhaeuser because I had been transferred at that time.

Mr. MACHROWICZ. Was that after the graves were found?

Colonel BEDENK. Yes, after the graves had been found and after the exhumations had taken place and the whole business was finished.

Mr. MACHROWICZ. Did you see any of the bodies?

Colonel BEDENK. No, everything was closed up by the time I got there.

Mr. MACHROWICZ. What kind of soil was there in this forest?

Colonel BEDENK. As far as I know and remember, sandy soil.

Mr. MACHROWICZ. Was it a light soil or a dark soil?

Colonel BEDENK. A light colored soil, and light soil.

Mr. MACHROWICZ. I believe you testified also, previously, that it was a dense forest, is that correct?

Colonel BEDENK. Yes. In parts the forest was very dense, and it was mostly young trees in those parts.

Mr. MACHROWICZ. In the parts which you later learned the graves were found, was it thick or thin?

Colonel BEDENK. I don't know where the graves are, because I never went there.

Mr. MACHROWICZ. You were there in August 1941, just a few months after they were exhumed?

Colonel BEDENK. Only in the area to report to General Oberhaeuser, who was living 4 kilometers away from that spot. I didn't go to the graves.

Mr. MACHROWICZ. Well, because of the fact that you had previously been in that area in 1941, didn't it interest you to find out where those graves were found?

Colonel BEDENK. No. We were in a very great hurry because we were being transferred with the whole staff headquarters of the Army to the Balkans, and we had to hurry to Smolensk to catch a plane to be flown down to the Balkans, so we were in a very great hurry.

Mr. MACHROWICZ. Did you ever employ 500 Russian prisoners of war in the work in the Katyn forests?

Colonel BEDENK. No.

Mr. MACHROWICZ. Are you familiar with the fact that in the Russian charge it is claimed that the officer in command hired 500, or rather, employed, 500 Russian prisoners of war to help dig the graves?

Colonel BEDENK. No, I don't know.

Mr. MACHROWICZ. At any rate, during the time that you were there you claim you never employed 500 Russian prisoners of war or any figure near that?

Colonel BEDENK. The most I ever employed were 3 prisoners I always had there, that I brought along from Borisow.

Mr. MACHROWICZ. I think you mentioned before that Rose was one of the officers in your detachment.

Colonel BEDENK. I don't know Rose.

Mr. MACHROWICZ. You never heard the name Rose?

Colonel BEDENK. No.

Mr. MACHROWICZ. Was there a mechanic employed by you by the name of Greniewski?

Colonel BEDENK. I don't know, but not at my time; definitely not.

Mr. MACHROWICZ. The reason I ask you that question, witness, is because in the Russian charge one Michailowa claims that when she and some others came near the place where the graves were subsequently found, a noncommissioned officer Rose and a mechanic Greniewski chased them away and threatened them if they came near that scene.

Colonel BEDENK. I know nothing about that. The name of Rose is unknown to me, and the name of Greniewski too. That must have happened after I had gone away from there, if it happened.

Mr. MACHROWICZ. The name "Greniewski" is spelled G-r-e-n-i-e-w-s-k-i.

Who was your billeting officer?

Colonel BEDENK. At that time it was a Captain of the reserves, Emil Schaeffer.

Mr. MACHROWICZ. Who was Irvin Algier?

Colonel BEDENK. I don't know him.

Mr. MACHROWICZ. That is all.

Chairman MADDEN. Any further questions?

Let me ask you this. I don't think you have testified to it.

Oh, pardon me; go ahead.

Mr. O'KONSKI. As the Germans started their offensive against the Russians, was it the policy of the Russians to leave behind any amount of able-bodied men, whether they were Poles, Lithuanians, Latvians, Estonians, or Russians?

Colonel BEDENK. I don't know anything about that, as I was never with the first fighting troops, or with the first-line troops.

Mr. O'KONSKI. Do you know any order of any disposition that might have been made in case they did, for instance, capture 15,000 Polish officers?

Colonel BEDENK. No.

Mr. O'KONSKI. Just one more question.

If disposition had been made of some 15,000 Polish officers, with the German economy as it was at that time is there any likelihood that the Germans would have done them the honor of burying them with brand new overcoats and a brand new pair of boots? Or do you think that those might have been removed?

Colonel BEDENK. I cannot answer that question. I don't know how to answer that question.

Mr. MACHROWICZ. In the Russian charge there are also affidavits of about 4 or 5 local people who testify under oath that in the fall of 1941 they frequently heard much shooting in those forests. Was there any shooting going on in that forest at that time?

Colonel BEDENK. No, there was no firing going on whatever in the fall of 1941.

Mr. MACHROWICZ. You were there during all of the fall of '41, were you not?

Colonel BEDENK. I spent the whole fall of '41 there.

Mr. MACHROWICZ. And were you in charge?

Colonel BEDENK. Yes, I was in charge.

Mr. MACHROWICZ. Up to November of that year?

Colonel BEDENK. Yes.

Mr. MACHROWICZ. The charge also states that some of those shootings took place in the beginning of September of 1941. Do you know anything about that?

Colonel BEDENK. I cannot understand that; I know nothing about it.

Mr. MACHROWICZ. The witness Aleksiejewa also charged in her affidavit that she herself saw, in the fall of 1941, while she was on her way to work, how the German officers sent a great number of Polish prisoners to the forests and later several shots were heard. Do you know anything about that incident?

Colonel BEDENK. That is a clear invention. That is impossible.

Mr. MACHROWICZ. Did you ever read these affidavits?

Colonel BEDENK. No, never.

Mr. MACHROWICZ. That is all.

Chairman MADDEN. I don't think you mentioned the size of this Katyn Forest. How large was this forest area? How large?

Colonel BEDENK. It was about 1200 meters from the high road to the house. There was dense forest on both sides, but it was generally called the Katyn Forest. But how large that forest was, and how far—

Chairman MADDEN (interposing). How many meters thick, through it?

Colonel BEDENK. I don't know, because I never went to the other end of the forest.

Chairman MADDEN. Are there any further questions?

(No response.)

Chairman MADDEN. Colonel, we are very thankful to you for coming here and testifying today.

The Committee will now adjourn until 10 o'clock tomorrow morning.

(Whereupon at 5:50 p. m. Monday, April 21, 1952, a recess was taken until 10 a. m., Tuesday, April 22, 1952.)

THE KATYN FOREST MASSACRE

TUESDAY, APRIL 22, 1952

HOUSE OF REPRESENTATIVES,
THE SELECT COMMITTEE ON THE KATYN FOREST MASSACRE,
Frankfurt/Main, Germany.

The committee met at 10 a. m., pursuant to call, in the Main Courtroom, Resident Officer's Building, 45 Bockenheimer Anlage, Hon. Roy J. Madden (chairman) presiding.

Present: Messrs. Madden, Flood, Machrowicz, Dondero, and O'Konski.

Also present: John J. Mitchell, chief counsel to the select committee, and Eckhardt von Hahn, interpreter.

(The proceedings and testimony were translated into the German language.)

Chairman MADDEN. The hearings will come to order.

Mr. Mitchell, who is the next witness?

Mr. MITCHELL. General Oberhaeuser.

Chairman MADDEN. Will you give your full name and address to the reporter?

General OBERHAEUSER. Eugen Oberhaeuser, Memmelsdorf, Oberfranken.

TESTIMONY OF EUGEN OBERHAEUSER

Chairman MADDEN. Counsel will read the statement to the witness.

Mr. MITCHELL. Before your testimony, it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as the result of your testimony.

General OBERHAEUSER. Yes.

Mr. FLOOD. Let the record show that the witness understands the admonition.

Chairman MADDEN. The witness will be sworn.

Do you solemnly swear, by God the Almighty, that you will testify as to your own knowledge and tell the truth, the whole truth, and nothing but the truth, so help you God?

General OBERHAEUSER. I swear, so help me God.

Mr. FLOOD. What is your full name?

General OBERHAEUSER. Eugen Oberhaeuser.

Mr. FLOOD. Were you, at one time, identified with the German armed forces?

General OBERHAEUSER. Yes, I was an officer of the permanent forces.

Mr. FLOOD. What was your rank and what was the nature of your command in 1941?

General OBERHAEUSER. I held the rank of lieutenant general and was the chief of communications of the central army group.

Mr. FLOOD. Could that be referred to and could your status be referred to as nachtrichten commander of the army group?

General OBERHAEUSER. It could be called that. Our designation was chief of communications of the army group (Nacht fuehrer.)

Mr. FLOOD. Who was the commanding general or field marshal of the army group?

General OBERHAEUSER. Up to Christmas, 1941, the commander in chief of the army group was Field Marshal von Bock. He was succeeded by Field Marshal von Kluge.

Mr. FLOOD. What was von Kluge's command up until December, 1941, when he succeeded von Bock?

General OBERHAEUSER. He was commander in chief of the Fourth Army.

Mr. FLOOD. And I suppose the Fourth Army was one of the armies in the middle group.

General OBERHAEUSER. That is correct. The army group included 4 or 5 armies and the Fourth Army was part of army group center.

Mr. FLOOD. What, in a general way, were your duties as chief of communications for the army group?

General OBERHAEUSER. As chief of communications, I was responsible for all the communications, such as telephone, teletype, and wireless from army group center to the single armies belonging to it, and to fulfill my duties, I had been given signal regiment 537. We were also partly responsible for communications with the supreme command. For this purpose, there was a special regiment which was attached to us.

Mr. FLOOD. What was the name of that outfit?

General OBERHAEUSER. 597.

Mr. FLOOD. 597 what?

General OBERHAEUSER. I do not quite recollect that this regiment had a special name. It was probably called signal regiment 597.

Mr. FLOOD. Were you in a position, as chief of communications, at any time from July to December of 1941, officially, to intercept or be in a position to intercept, special orders from the supreme command to the army group?

General OBERHAEUSER. It was part of my duty to see that communications were in order, that it was always possible to talk freely, but I was never instructed to watch over conversations being held between the supreme headquarters and the army group. It was my task merely to see that communications worked properly.

Mr. FLOOD. Well, I am not interested so much in whether you received instructions to listen. What I want to know is, did you, whether you received instructions or not?

General OBERHAEUSER. I was in a position to listen in to conversations and to intercept them in the course of my duties so as to make sure that communications worked properly.

Mr. FLOOD. You therefore were in a position to intercept or to be aware of any orders from a supreme command or from the army group field marshal to any special units of any kind in your area?

General OBERHAEUSER. Yes, I was in a position to do so.

Mr. FLOOD. You were also, therefore, in a position to be aware of or to intercept communications that might take place between field marshals commanding various army groups?

General OBERHAEUSER. Yes, I was in a position to do so.

Mr. FLOOD. When did your headquarters, your personal headquarters, and the army group headquarters move into the Smolensk area, and where did they come from?

General OBERHAEUSER. Approximately at the beginning of September 1941.

Mr. FLOOD. Where did the army group set up its headquarters with reference to the city of Smolensk?

General OBERHAEUSER. It was in a forest which contained several small wooden houses and was located some 10 kilometers west of Smolensk, on both sides of the highway connecting Smolensk and Vitebsk.

Mr. FLOOD. Where did you set up your communications headquarters with reference to the army group headquarters?

General OBERHAEUSER. My personal small headquarters, comprising about seven officers altogether, was erected right next to the field marshal's headquarters.

Mr. FLOOD. How far were those headquarters from the village of Katyn?

General OBERHAEUSER. Approximately 3 kilometers.

Mr. FLOOD. Three kilometers from Katyn and about 10 kilometers from Smolensk?

General OBERHAEUSER. Yes, that is so.

Mr. FLOOD. How soon after the combat troops moved forward did the army group and your headquarters move into the set-up we are talking about?

General OBERHAEUSER. The combat troops took Smolensk some time in July, and the army group sent an advance unit into this area very soon afterwards, the beginning of August, as the army group intended to put up its headquarters which, up to then, had been in Borisow, as quickly as possible in the Smolensk area.

Mr. FLOOD. What do you mean by an advance unit?

General OBERHAEUSER. This advance unit consisted of 1 lieutenant of my staff and 1 lieutenant from the staff of the army group, and approximately 20 enlisted men, whose duty it was to start immediately putting up communications, telephone lines, and so forth.

Mr. FLOOD. Then this was an advance communications unit?

General OBERHAEUSER. Yes, it is correct. It was an advance unit of my communications unit of signal regiment 537.

Mr. FLOOD. It was an advance unit of your command?

General OBERHAEUSER. Yes, of the troops directly under my command.

Mr. FLOOD. What were the names of these 2 officers you just mentioned who were with the advance party?

General OBERHAEUSER. The officer of my own staff was First Lieutenant Rucker, and the officer of the signal regiment 537 was Lieutenant Hodt.

Mr. FLOOD. This officer Hodt was not an officer of regiment 537, but was an officer of your personal staff, is that correct?

General OBERHAEUSER. Of regiment 537.

Mr. FLOOD. Who was the other officer?

General OBERHAEUSER. The other officer, Rucker, was from my staff.

Mr. FLOOD. How do you spell his name?

General OBERHAEUSER. R-u-c-k-e-r, Rucker.

Mr. FLOOD. Was he a communications officer as well?

General OBERHAEUSER. Yes, he was a communications officer and expert. It was always like this, that every signal or communications regiment had a high ranking postal officer attached to it, with the rank of officer, who had a very good education, usually a university man, and they were first-class experts on communications, telephones, and so forth. They were permanently attached to all the regimental staffs of all the communications and signal regiments.

Mr. FLOOD. Of the two officers, which was in command of the advance party?

General OBERHAEUSER. Lieutenant Rucker was in charge of this advance unit, being the senior in rank, but he acted on orders from me. I had been to this area myself and had worked out the plan how to arrange all these communications.

I also want to point out that the communications system of an army group is a very elaborate and large scale affair which could be compared with the communications system of a medium-sized city.

Mr. FLOOD. What was the jurisdiction in kilometers of your command over communications for the Central Army Group?

General OBERHAEUSER. The area under my jurisdiction stretched from Orel to Vitebsk, over a distance of approximately 500 kilometers, from north to south and east to west. It comprised the whole area of the army group center.

Mr. FLOOD. How long did you stay in command in that area?

General OBERHAEUSER. From the beginning of the Russian campaign on June 22, 1941, until October 1943.

Mr. FLOOD. You indicated that, in order to have a knowledge of the area so as to give instructions to your advance party as to how to lay out communications, you yourself visited the area at the time of or before the advance party, is that correct?

General OBERHAEUSER. It was prior to sending the advance unit into the area.

Mr. FLOOD. Do you recall the month, approximately?

General OBERHAEUSER. More or less at the end of July 1941, very soon after the combat troops had taken Smolensk.

Mr. FLOOD. Can you tell me more specifically what you mean by "very soon"? How many days after the combat troops moved forward?

General OBERHAEUSER. To my recollection, I was in the area within 8 days after the combat troops had passed through.

I want to explain this in detail. To accommodate such a large communications unit and several staff headquarters in a newly conquered area, a suitable site must be found, and it is never early enough for a communications chief to get to this area so as to locate suitable sites and make all the necessary preliminary arrangements.

Mr. FLOOD. That being so, I take it for granted that you did considerable traveling around the Katyn-Smolensk area, in general, within a week after the combat troops moved forward?

General OBERHAEUSER. Yes, that is correct. I did so, and during my first visit to this area, both Lieutenants Rucker and Hodt accompanied me.

Mr. FLOOD. I suppose that 30 square miles on three sides, except, of course, forward, would have been a reasonable tour of inspection to set up such headquarters?

General OBERHAEUSER. Yes, because it was always our tendency to decentralize and deconcentrate with a view to avoiding losses through enemy aircraft.

Mr. FLOOD. Where did Lieutenant Hodt set up his advance headquarters?

General OBERHAEUSER. I do not recollect where his headquarters were, but Rucker set up his headquarters at Krasny Bor.

Mr. FLOOD. Krasny Bor, I understand, is a village in the area. Where is it located with reference to Smolensk and Katyn?

General OBERHAEUSER. Krasny Bor was about $8\frac{1}{2}$ to 9 kilometers from Smolensk.

Mr. FLOOD. If I refresh your memory, would you recall that Lieutenant Hodt set up headquarters for his advance party at Katyn?

General OBERHAEUSER. It is quite possible that Lieutenant Hodt set up quarters in Katyn. Katyn is also a village which is not just in one spot. It is spread out over the countryside and the actual center of Katyn is quite a long distance away from the so-called little Dnieper Castle. We should rather call it the area of Katyn, because it is so spread out and not just a small spot. It is quite an area.

Mr. FLOOD. Do you know Colonel Bedenk?

General OBERHAEUSER. Yes, I knew him. He was the commanding officer of Signal Regiment 537.

Mr. FLOOD. Where was Signal Regiment 537 on active duty between July and December, 1941?

General OBERHAEUSER. The regiment was spread out over the whole large area of the army group center, over 500 kilometers.

Mr. FLOOD. Was the regiment one of the regiments in your command?

General OBERHAEUSER. Yes, it was directly under me.

Mr. FLOOD. Do you know where the colonel set up the regimental staff headquarters?

General OBERHAEUSER. In the so-called little Dnieper Castle lying on the high bank of the River Dnieper.

Mr. FLOOD. What is the relationship of this Dnieper Castle to the Katyn Forest?

General OBERHAEUSER. It is located right in the middle of the forest.

Mr. FLOOD. How far was it from Bedenk's headquarters to your headquarters?

General OBERHAEUSER. Approximately 3 kilometers.

Mr. FLOOD. Did you ever visit Colonel Bedenk?

General OBERHAEUSER. Yes, I visited Colonel Bedenk quite frequently in his headquarters. On an average of about twice a week. Sometimes it was once a week and sometimes three times. That depended on the volume of matters we had to discuss, but, on an average, it must have been about twice a week that I went there.

Mr. FLOOD. Other than official connections, what was the relationship between Colonel Bedenk and yourself, personally?

General OBERHAEUSER. We were on very friendly personal terms.

Mr. FLOOD. Will you describe generally, with some reasonable detail, the surroundings of this so-called Dnieper Castle, Bedenk's headquarters?

Just a moment. What are you looking at?

General OBERHAEUSER. It is a rough sketch map of the Katyn area which I prepared already for the Nurnberg hearings.

Mr. FLOOD. Will you step up here and let the committee take a look at that for a minute? (Whereupon, the witness approached the bench.)

General OBERHAEUSER. This is the highway from Smolensk to Vitebsk [indicating].

Mr. FLOOD. The witness indicates, on the right of the map, the city of Smolensk, and, on the left of the map, the city of Vitebsk.

General OBERHAEUSER. This is the Dnieper River [indicating] and this is the so-called Dnieper Castle [indicating] on the left side of the sketch map. There is the Dnieper River [indicating] and on the north bank, the little Dnieper Castle.

Mr. FLOOD. The witness has so indicated and the river and the castle appear on the map.

General OBERHAEUSER. Dnieper Castle was approximately 400 to 500 meters' distance from the highway, with a winding secondary road branching off from the highway and leading up to the building.

Mr. FLOOD. As I understand it, the main highway then in that area ran from Smolensk to Vitebsk and it was about 400 meters from that highway to the Dnieper Castle.

General OBERHAEUSER. That is correct.

Mr. FLOOD. Did that main highway seem to be a new highway, a new surface, or an old one?

General OBERHAEUSER. As far as I recollect, the surface of this highway was asphalt, and it was in a very good condition and was also kept in a good condition by our troops.

Mr. FLOOD. What was the condition of the forest or woods, if any, in the 400 meters between the main highway and the Dnieper Castle?

General OBERHAEUSER. It was a narrow forest road. It was so narrow that it was actually difficult for two vehicles to pass each other. It was really only suitable for one-way traffic.

Mr. FLOOD. That's the branch road which led off the main highway, through the forest, in the direction of Dnieper Castle?

General OBERHAEUSER. Yes.

I want to state that at the spot where the secondary road branched off from the highway, there was a signal flag put up. There is a drawing of that [indicating].

Mr. FLOOD. The witness indicates on his sketch the drawing of a signal flag, black and yellow with black numbers on the stripe through the center.

General OBERHAEUSER. The number was 537.

Mr. FLOOD. What does that indicate?

General OBERHAEUSER. Indicating the signal regiment which was billeted there. That was in order to direct dispatch riders and other persons looking for the regiment, and I presume that the local civilian

population thus got to know about the number of the regiment because it was quite easily seen from all sides.

Mr. FLOOD. Was that regimental flag on the main highway at the junction of the side road all the time, as far as you know?

General OBERHAEUSER. In the beginning, in 1941, and, to my recollection, for about 1 year, this flag was always there. Later on, when more and more camouflaging instructions were issued, it might have been removed, but on this question, Colonel Ahrens will be able to give more details.

Mr. FLOOD. Well then, during 1941, if that flag was up there, there was apparently no mystery about the kind and type of unit that was in Dnieper Castle, is that it?

General OBERHAEUSER. I would put it this way: it was evident from the flag that a unit with the number of 537 was billeted there. It is not said with that that people would realize it was Signal Regiment 537, but a unit with the number of 537.

Mr. FLOOD. What was the condition of the woods between the main highway and Dnieper Castle in the area?

General OBERHAEUSER. It was a forest with high trees but not very dense. On the left-hand side, when going to the castle from the highway, the forest was more dense than on the right-hand side of the secondary road.

Mr. FLOOD. What are these other markings here on the map to the general left of the mark for the castle?

General OBERHAEUSER. This spot [indicating] was billets of the first company of the regiment which was in charge of the telephone exchange which was located there.

Mr. FLOOD. Is this billet of that company I am pointing at on the map in the Katyn Forest?

General OBERHAEUSER. Yes; these billets were still located in the forest. On one occasion, they had a heavy air raid and suffered considerable losses on that occasion. The Russians evidently knew we were there.

Mr. FLOOD. How far is that billet of that company in the regiment from the Dnieper Castle in the forest?

General OBERHAEUSER. Approximately $1\frac{1}{2}$ to 2 kilometers.

Mr. FLOOD. What was the nature of that Russian air attack—fighters or fighter bombers or both, if you remember?

General OBERHAEUSER. Fighter bombers.

Mr. FLOOD. What is this next mark indicated further to the left of the billet for the company?

General OBERHAEUSER. Underneath is my staff headquarters, and this [indicating] was a small wooden building of Field Marshal von Kluge.

Mr. FLOOD. How far is that from Dnieper Castle?

General OBERHAEUSER. Approximately 3 kilometers.

Mr. FLOOD. What are these next indications to the left of the field marshal's headquarters?

General OBERHAEUSER. The technical central exchange for telephone and teletype communications. This exchange was put into a building which had to be constructed, and, as a matter of fact, it was constructed by the advance unit to accommodate the exchange.

Mr. FLOOD. Thank you. Be seated, please. [Whereupon, the witness resumed his seat.]

Mr. FLOOD. The committee would be very grateful if you would prepare a similar map, with a little more care or attention, in order that the committee might have it photostated, or if you will prepare an exact copy of what you have just described for the records of this hearing.

General OBERHAEUSER. Yes. I certainly would take pleasure in doing so, but I wish to point out that I drew this sketch only from memory in Nuremberg and I cannot absolutely guarantee that all the distances will be quite correct, but, on the whole, it is fairly correct.

Mr. FLOOD. Under those circumstances and conditions we would still be glad to have a copy of that map.

NOTE.—Refer to exhibit 74.

Mr. FLOOD. Did you ever take any walks with your friend Colonel Bedenk in the woods surrounding Dnieper Castle at any time?

General OBERHAEUSER. Yes. When I want to see Colonel Bedenk at the castle, we used to go for walks to the forest to get some fresh air and some exercise.

Mr. FLOOD. In those walks, did you ever see any mounds of earth that might resemble graves, any place in the area up to 500 or 1,000 meters surrounding the castle?

General OBERHAEUSER. No, I never noticed anything of that kind, although to the left of this secondary road leading from the highway to the castle, the forest was not so dense, but I never noticed any mounds of earth or anything which might have been graves.

Mr. FLOOD. Were you in the Smolensk area in April 1943, when the Germans announced they had discovered the Katyn graves?

General OBERHAEUSER. Yes, I was.

Mr. FLOOD. Did you ever visit the graves after the discovery was announced?

General OBERHAEUSER. Yes, I went there after the graves had been opened on about three occasions. Afterward, I did not go there any more because the sight was so dreadful that, if possible, I kept away. I only went there then when I absolutely had to.

Mr. FLOOD. How far from Dnieper Castle were the graves when you saw them in April 1943?

General OBERHAEUSER. Approximately 250 meters from the castle.

Mr. FLOOD. Weren't you surprised that in all your walks in 1941 you hadn't seen such graves or mounds of earth if they were close to the castle?

General OBERHAEUSER. Yes, I was very taken aback and shocked about the discovery.

Mr. FLOOD. That may be. What I want to know is, weren't you surprised yourself that you didn't observe or see anything that might resemble anything like mounds of earth so close to the castle when you were walking in that area between July and December 1941, with your friend, Colonel Bedenk?

General OBERHAEUSER. Once something has been published and you have been to the town hall, then you always know more about things. We never expected anything. We had no idea that such a thing could have been, and so, that's why the thought never occurred to us.

Mr. FLOOD. When did Bedenk leave command of the regiment?

General OBERHAEUSER. November 1941.

Mr. FLOOD. General, you told us that you went into the Katyn-Smolensk area about a week after the combat troops, which would be in July 1941, and that you traveled around about 30 square kilometers in the area, looking for a communications and army group headquarters. In your travels, so soon after the fighting, did you see, first, any Polish prisoners of any kind or, second, any Russian prison camps?

General OBERHAEUSER. To answer question one, I never saw any Polish soldier, right through the campaign there, dead or alive. As to question two, in that area I never saw any POW camps. In the rear, around about Wjasna, we were advancing and we did see some former camps which were very dilapidated and half in ruins, with typical watchtowers on the corners, but these camps were very old and were absolutely in disrepair, and mostly in ruins. However, they were further in the rear, hundreds of kilometers in the rear.

Mr. FLOOD. They were, then, twenty-five to a hundred kilometers to Smolensk?

General OBERHAEUSER. These old dilapidated camps could be found all along the highway from Vyazma to Smolensk and up to Minsk—Borisow and Minsk—and it was assumed that these old camps had accommodated workers who had been working on the highway. These old dilapidated camps were actually, later on, reconstructed and used for the German units and their laborers who kept the highway in order.

Mr. FLOOD. Did you ever hear, in the area, of a Russian prison camp named Kozielsk?

General OBERHAEUSER. At that time I never heard the name. Later on, after the graves had been opened and the Katyn case became public, I did hear the name of Kozielsk occasionally in that connection, that Polish officers had been confined to the camp of Kozielsk prior to being taken to Katyn.

Mr. FLOOD. Well now, you told us that you were in a position to intercept—to see that your operations were working properly—and that you frequently did intercept communications from the supreme command and from the army group commander to the Army, isn't that so?

General OBERHAEUSER. Technically, yes. Technically that possibility existed, but in fact it happened very seldom; only when I received complaints from the field marshal or some very high-ranking officer, and when I couldn't hear well or understand well the man at the other end, then I went in and switched in and checked on this report and saw to it that the defects were remedied.

Mr. FLOOD. Well, you yourself are a pretty high-ranking officer, lieutenant-general, and you were in command of communications for the army group. That being so, what do you know about a German command order, if there was one, to kill Russian prisoners?

General OBERHAEUSER. At the time this order was issued—

Mr. FLOOD (interposing). There was such an order?

General OBERHAEUSER. I learned later on that such an order to kill commissars did exist, but at that time, at the time it was issued, I did not know about it in view of the fact that as a communications

unit we had no connection with the front line and consequently never got in touch with any captured commissars or other Russian prisoners.

Mr. FLOOD. You indicate that such an order from a supreme command, which I suppose would be unusual, passed through your hands as commanding officer of communications for the entire army group, and you didn't know about it and hadn't heard about it until later on?

General OBERHAEUSER. An order existed, directly issued by Hitler, that any such matter which did not directly concern a certain army or corps or division or unit was not to be transmitted to these units.

Mr. DONDERO. General Oberhaeuser, did you cause to be erected in the Katyn forest area any notices that any persons found without a pass in that area would be shot on the spot?

General OBERHAEUSER. No; I did not.

Mr. DONDERO. That is all.

Mr. FLOOD. Did you trust Colonel Bedenk?

General OBERHAEUSER. Absolutely.

Mr. FLOOD. Do you think that Colonel Bedenk would take any orders from any SS generals or—in view of the faction politics in the Wehrmacht, as in any army—from any other generals, the kind of orders that would produce the execution of 4,000 Polish officers, without letting you know about it?

General OBERHAEUSER. That is absolutely out of the question.

Mr. FLOOD. Under all of the circumstances surrounding your relationship with Bedenk and his regiment and the proximity of your headquarters to his in the Katyn forest, would it have been possible at any time between July and November of 1941 for the execution of 4,000 Polish officers to have been carried out, either by Bedenk or anybody else, without your knowing about it?

General OBERHAEUSER. That would have been quite impossible in every respect, particularly in a technical respect, because the tasks of these communication troops were so manifold that any such large action would have upset the whole schedule of duties and it could not have remained a secret.

Mr. FLOOD. Did you talk to any generals of the Wehrmacht or of any other categories, SS or otherwise, or any German civil, political, or propaganda officials of any rank with reference to Poles or the disposition of Polish prisoners at any time when you were in command in the Solensk area?

General OBERHAEUSER. Never.

Mr. FLOOD. Did you ever give any orders to Bedenk or to any subsequent commanders of the 537th Regiment to execute Polish officer prisoners?

General OBERHAEUSER. Never.

Mr. FLOOD. Did you ever, yourself, see or participate in the execution of Polish officer prisoners at the Katyn forest between July and December of 1941?

General OBERHAEUSER. No, never, because such a thing never happened there.

Mr. MACHROWICZ. Could you tell me what your present occupation is?

General OBERHAEUSER. I am retired.

Mr. MACHROWICZ. Have you any connection whatsoever with the German Government?

General OBERHAEUSER. No, none.

Mr. MACHROWICZ. Have you been advised, instructed, or coached in any way by anyone before you came to this committee as a witness?

General OBERHAEUSER. Nobody told me about it; nobody ever advised me; nobody ever even mentioned to me that I would appear before this committee.

Mr. MACHROWICZ. Were you a witness at the Nuremberg trial?

General OBERHAEUSER. Yes, I was.

Mr. MACHROWICZ. That was in 1946?

General OBERHAEUSER. That is correct; yes.

Mr. MACHROWICZ. Before you were called as a witness there, were you called by anyone and instructed, ordered, or coached as to how to testify there?

General OBERHAEUSER. I was in the Allendorf prison camp, and when they came to fetch me to take me to Nuremberg by jeep I didn't even know where I was going.

Mr. MACHROWICZ. And your testimony there was on the very same matters that you testified here, is that correct?

General OBERHAEUSER. In Nuremberg? Yes, in the same manner.

Mr. MACHROWICZ. To the best of your knowledge, was the testimony, in substance, the same as that given here?

General OBERHAEUSER. Yes, it was materially the same. If you wish, I will submit the affidavit which I have with me.

Mr. MACHROWICZ. Now, in the course of your testimony today, on one or two occasions, you referred to certain notes which you have in your pocket. Could you tell the committee what those notes are?

General OBERHAEUSER. Those are the affidavits I submitted for the Nuremberg trial, the notes.

Mr. MACHROWICZ. Before whom did you prepare those affidavits?

General OBERHAEUSER. I had to hand them to Dr. Stahmer, and I do not know what he did with them.

Mr. MACHROWICZ. Dr. Stahmer was the defense counsel, is that correct?

General OBERHAEUSER. Dr. Stahmer was defense counsel for Goering, and the Katyn case formed part of the whole case against Goering, it was treated or dealt with in connection with the Goering case.

Mr. MACHROWICZ. May I see those notes?

General OBERHAEUSER. Yes.

(Documents submitted to the committee.)

Mr. MACHROWICZ. These notes are dated "Nuremberg, June 26, 1946," is that correct?

General OBERHAEUSER. Yes; that is correct.

Mr. MACHROWICZ. And they are entitled, "Eidesstattliche Erklarung." What does that mean?

General OBERHAEUSER. That means "statement in lieu of an oath." That is the ordinary heading that is generally used in the heading of all such statements.

Mr. MACHROWICZ. Did anyone give you any information upon which you base the information contained in this statement?

General OBERHAEUSER. No, because there was nobody to whom I could have talked and gotten information from, in view of the fact that the other officers who were at Katyn were free, while I was a prisoner.

Mr. MACHROWICZ. Is this, then, the correct statement as given by you to the person who took your oath?

General OBERHAEUSER. I wish to make a statement.

Mr. MACHROWICZ. Go ahead.

General OBERHAEUSER. On a Friday, which was prior to the Monday when I had to appear as a witness, Dr. Stahmer told me that I would probably not have to take the stand, and he asked me whether I would write out an affidavit. Among other things, we prisoners learned that on this subsequent Monday the matter of Katyn would be brought forward. To my surprise, at 8 o'clock the next morning I was called and told that I would have to appear before the court.

Mr. MACHROWICZ. Before the tribunal?

General OBERHAEUSER. Yes; before the tribunal. The first questions were put by Dr. Stahmer, and then came the cross-examination by the Russian, Smirnow. In the course of this cross-examination totally different questions were put to me than are contained in this affidavit, but the questions I was asked by Dr. Stahmer are contained in the affidavit, mostly, more or less.

Chairman MADDEN. You might explain who this Smirnow is, the Russian.

General OBERHAEUSER. To my knowledge he was the Russian representative, or delegate who represented the accusation, the Russian prosecutor.

Chairman MADDEN. Spell it, please.

General OBERHAEUSER. S-m-i-r-n-o-w.

Mr. MACHROWICZ. Now, according to the first statement in this affidavit of yours, you were in command of that area until about October 1943, is that correct?

General OBERHAEUSER. Yes, that is correct. Yes, up to October 1943 I was in command of that area. The area changed subsequently because the German troops had to fall back, and then of course our staff headquarters and other staff headquarters had to be moved back, but up to October 1943 I was chief of communications of the Center Army group.

Mr. MACHROWICZ. Was there any break in time in that command since September 1941?

General OBERHAEUSER. Except for normal leave, furlough, there was no break whatever, I was always there, and this furlough was due once a year.

Mr. MACHROWICZ. Did you know Colonel Ahrens?

General OBERHAEUSER. Yes, I do.

Mr. MACHROWICZ. Was he under your command?

General OBERHAEUSER. He was directly under my command as successor to Colonel Bedenk, and was the commanding officer of Signal Regiment 537.

Mr. MACHROWICZ. Now, the statement which you prepared in Nurnberg in June 1946 declares that Colonel Ahrens took the command over in November 1941, is that correct?

General OBERHAEUSER. That is correct.

Mr. MACHROWICZ. Do you know where he was before November 1941?

General OBERHAEUSER. Up to that time Colonel Ahrens was instructor at the training regiment of the Army Communications School in Halle, Saxony.

Mr. MACHROWICZ. That is approximately how far from Smolensk? General OBERHAEUSER. 1,200 kilometers, approximately.

Mr. MACHROWICZ. Have you read the Russian statement made regarding the Katyn Forest?

General OBERHAEUSER. Yes, I read the protocol, and also the statements of the three Russian witnesses, but that was only about 2 years ago.

Mr. MACHROWICZ. The affidavits contained in the Russian statement include an affidavit that the murders were committed some time between July and November, 1941, and that at that time Colonel Ahrens was in command. Is that a true statement of fact?

General OBERHAEUSER. That is quite incorrect, that statement, because I clearly remember in November, when Colonel Ahrens took over, I had the regiment, or the companies that were available on that day, march up there, and they were standing in an open square and I introduced—I thanked the old regimental commander for all he had done, and welcomed the new regimental commander. That was in November 1941.

Mr. MACHROWICZ. Now, do you have in your possession any written orders or any documents which would show the whereabouts of Colonel Ahrens in the period between July 1941 and November 1941?

General OBERHAEUSER. I believe that Colonel Ahrens himself lost all his documents and papers in Halle when his apartment was destroyed, but I believe it possible that in the files of the German Army, which are in the hands of the American Army at present, something might be found to that effect.

Mr. MACHROWICZ. Now, did you, while you were in the Smolensk area, know of an order allegedly given by the German command in about August of 1941 ordering the civilian population to turn over to the Germans all escaped Polish prisoners?

General OBERHAEUSER. I know nothing about such an order.

Mr. MACHROWICZ. Who was Commander von Schwetz? Do you know?

General OBERHAEUSER. I do not know that officer.

Mr. MACHROWICZ. Is it possible that there would be anyone by a name similar to "von Schwetz" that might have given such an order?

General OBERHAEUSER. I do not know, but I suggest that General von Gersdorff might know something.

Mr. MACHROWICZ. Now, did you know a Herschfeld, who was allegedly the Sonderfuehrer of the 7th Division of the German Command?

General OBERHAEUSER. No, I don't know him.

Mr. MACHROWICZ. Was there anyone in the Smolensk region among the higher German officers at the time that you were there by the name of Herschfeld?

General OBERHAEUSER. I do not recollect any such name, and I don't know any such name.

Mr. MACHROWICZ. I might state for your information, witness, that it is alleged by the Russians that one Herschfeld, Sonderfuehrer of the 7th Division of the German Command, was the one who always gave an order that all Polish prisoners be captured and brought to the German Command. Does that refresh your recollection?

General OBERHAEUSER. I never had anything to do with the 7th Division. I never heard the name of Herschfeld, and I don't know anything about the whole matter.

Mr. MACHROWICZ. Now, in about May of 1943 was there published in the Smolensk area by anyone in the German Command a request to the local population for information regarding the Katyn massacre?

General OBERHAEUSER. I do not know anything about that.

Mr. MACHROWICZ. Do you remember Lieutenant Voss of the Field Police?

General OBERHAEUSER. The name came back to me now in these few days while I was here. I remember having heard the name at that time, but I couldn't even say what the man looks like.

Mr. MACHROWICZ. Was he working in connection with Oberleutnant Braund, who was commander at Katyn?

General OBERHAEUSER. The name of Oberleutnant Braund does not convey anything to me; I do not know him.

Mr. MACHROWICZ. Under the Russian version, I might say Oberleutnant Braund was a commander at Katyn in May 1943.

General OBERHAEUSER. May 1943?

Mr. MACHROWICZ. Yes.

General OBERHAEUSER. It is possible that in the course of the retreat such an officer might have been local commander in Katyn, but at that time I was already in Austria with my unit.

Mr. MACHROWICZ. Well, the Russians have furnished a so-called "appeal to local population" signed May 3, 1943, by Voss, Lieutenant of the Field Police, who had allegedly been working under the command of Oberleutnant Braund. Does that refresh your recollection?

General OBERHAEUSER. I do not know anything about that, because that was absolutely beyond my jurisdiction. I was in communications and had nothing to do with intelligence, so I don't know.

Mr. MACHROWICZ. Have you ever heard of Prison Camp No. 126, somewhere in the Smolensk area?

General OBERHAEUSER. No.

Mr. MACHROWICZ. Was there any road work done between July and November 1941 on the Smolensk-Vitebsk Highway?

General OBERHAEUSER. Well, repairs were carried on all the time on the road, chiefly by the Organization Todt, and they were also using Russian prisoners. But even driving over the highway I did notice that work was going on, but I never paid attention to it or to the people doing it.

Mr. MACHROWICZ. Such work would not be under your jurisdiction, would it?

General OBERHAEUSER. No; in no way whatever. I had nothing to do with that.

Mr. MACHROWICZ. Are you familiar with the Polish uniform, the uniform of the Polish officers?

General OBERHAEUSER. I know the Polish officers wear four-cornered caps, and besides, I saw Polish uniforms on the bodies exhumed at Katyn.

Mr. MACHROWICZ. Would you be able to distinguish a Polish uniform from a Russian uniform—a Polish officers' uniform a Russian officer's uniform?

General OBERHAEUSER. I believe that I could distinguish between the uniforms of the Polish officers and Russian officers because at the beginning of each campaign we were shown pictures of the uniforms and what the opposing soldiers would look like, although I never saw one alive. In the Polish campaign in 1939, of course, I did see Polish prisoners, but none in Russia later on.

Mr. MACHROWICZ. Did you, between July and November of 1941, see any officers in Polish uniforms used by the Germans on road work in the Katyn area?

General OBERHAEUSER. No, never.

Mr. MACHROWICZ. Are you aware of the fact that the Russians claim that the Germans had been using these Polish officers for road repair work in the Katyn area, the same ones who later were found in the Katyn graves?

General OBERHAEUSER. I did hear some very vague rumor to that effect later on, but nothing definite.

Mr. DONDERO. General, you saw the bodies at the Katyn graves, did you?

General OBERHAEUSER. Yes; on my two or three visits to the graves I saw the dead bodies lying in the graves and a few single ones that had been taken out. An autopsy was being performed on them by Professor Butz. However, I never stayed long.

Mr. DONDERO. How were they dressed?

General OBERHAEUSER. As far as I can recollect, to my great astonishment the dead bodies were very well clad, in good uniform, all of them still had either their greatcoats or capes on, and very good boots, so that it gave me the impression that the killings must have been done in a hurry, in view of the fact that wallets and all sorts of valuables were found on the bodies. It is quite unusual, according to my experience, that the Russians, after executing people, would bury them with all their good clothes on. That astonished me.

Mr. DONDERO. Do you mean "overcoat" by "greatcoat"?

General OBERHAEUSER. Yes, overcoats and capes.

Mr. DONDERO. You were in that area from August, at least, until November of 1941. What kind of weather do they have?

General OBERHAEUSER. In July it was still very hot, but then fall set in very suddenly, with lots of rain and very much mud, and it was very cold and early winter in that year.

Mr. DONDERO. What would it be in the month of August? Because I think there is something in the record to the effect that the Russians claim the Germans shot these men during the month of August.

General OBERHAEUSER. Normal, warm summer weather.

Mr. DONDERO. That is all.

Mr. MACHROWICZ. I have a few more questions.

Did you notice any unusually heavy truck movement in the Katyn forests in the months of August and November 1941?

General OBERHAEUSER. Traffic was not particularly heavy, although Signal Regiment 537 had a fairly heavy traffic every day with material, building construction material, being taken away to the various companies and food and other things being transported all the time, so the traffic of the regiment itself was fairly lively, but not unusually heavy.

Mr. MACHROWICZ. The affidavits of some of the Russian witnesses claim that in August and September and October of 1941 there was an unusual number of heavy trucks loaded with many prisoners coming into the Katyn area. Did you notice any such movement?

General OBERHAEUSER. No; no such thing ever happened. It is possible that the truck loaded with soldiers of Colonel Ahrens now and again drove through the forest on duty, but that was all.

Mr. MACHROWICZ. Did you yourself hear, or did you hear from anyone else, about an unusual amount of shooting going on in the forest during those months that I have mentioned?

General OBERHAEUSER. I never noticed any firing, and besides, firing was to be prevented at all costs so as not to attract attention of guerrillas, and so on.

Mr. MACHROWICZ. Can you tell us by whom these graves were discovered, and under what circumstances, and when?

General OBERHAEUSER. To my knowledge the graves were discovered some time in March 1943, and as to how the discovery was made, that knowledge only came to me later. I was told about it later. But some Polish auxiliary volunteers, who were working for German divisions, marching toward the front line, and who had spent a day or two in that area on the march to the front line, had inquired from the local population whether any Polish prisoners or officers had been killed and buried in that area. Then, in addition, that wolf story of Colonel Ahrens also came up.

Mr. MACHROWICZ. Then, to the best of your knowledge, the first information the German command had of these graves was about March of 1943?

General OBERHAEUSER. To my recollection, in March of 1943 the first preparations were made to investigate more closely the many rumors going around about these graves.

Mr. MACHROWICZ. When did these rumors about the graves start, as far as you know?

General OBERHAEUSER. I myself never heard any such rumors; I only got to know about the whole thing when, in March of 1943, the first preparations were made to make a thorough search in the forest.

Mr. MACHROWICZ. During the Nuremberg trial you were cross-examined by Smirnow on the alleged knowledge by the Germans of these graves as far back as November 1942. Do you remember that?

General OBERHAEUSER. I do not exactly recollect having been asked that question in Nuremberg. At any rate, in 1942 I never had an inkling of the graves. I suggest that Colonel Ahrens or Lieutenant Eichborn might be questioned about that.

Mr. MACHROWICZ. Now, you testified previously that these graves were such a horrible sight that you never went to them unless you had to go. Is that correct?

General OBERHAEUSER. Yes; that is correct.

Mr. MACHROWICZ. Well, when and why did you have to go and see the graves?

General OBERHAEUSER. Well, as I say, in view of the fact that my regimental staff was billeted right next to the graves and many people were busy digging there, I couldn't help passing right through this thing; and, of course, when I passed through I also looked at these things and I couldn't help seeing that.

Mr. MACHROWICZ. Were you ever ordered to go there and see the graves and make a report on them?

General OBERHAEUSER. No.

Mr. MACHROWICZ. Were there any trees in the immediate vicinity of where the graves were found?

General OBERHAEUSER. In the spot where the graves were found there was sort of a clearing with tiny birch trees about 3 feet high—whether they had been planted there or not I do not know—and there was some heather on the ground, but, on the whole, it was a fairly clear sandy place, sort of a clearing.

Mr. MACHROWICZ. Now, these young saplings, or these young trees that you are talking about, were they right over the graves?

General OBERHAEUSER. I am not able to say whether these small birch trees were right on top of the graves because I only saw them after they had been opened, but the whole spot was covered with these small birch saplings, or birch trees, more or less.

Mr. MACHROWICZ. Did it appear to you then that someone, whoever it was who dug these graves, after digging these graves, grew young sapling or birch sapling trees over them? Is that the impression you got?

General OBERHAEUSER. Afterwards I had the impression that probably these trees had been planted there for camouflage purposes.

Mr. MACHROWICZ. By "camouflage purposes" you mean by someone who wanted to conceal the location of the graves, is that what you mean?

General OBERHAEUSER. Yes, exactly.

Mr. MACHROWICZ. And might not that have been the reason why these graves were not noticed by you or by the others in that vicinity sooner?

General OBERHAEUSER. Yes, that is quite correct. That is one of the reasons why we probably never noticed the spots where the graves were. And besides, similar fairly clear spots were also in other portions of the forest, so this particular spot didn't distinguish itself much from the others.

Mr. MACHROWICZ. That is all.

Mr. DONDERO. General, was the wood in the vicinity of the graves thick or thin?

General OBERHAEUSER. On the north side of the secondary road leading from the highway to the castle the forest was not very dense. On the other side of this road it was much denser.

Mr. DONDERO. Was that near the graves?

General OBERHAEUSER. The graves were on that side where the forest was not dense.

Mr. DONDERO. Would they be thick enough or dense enough so that a man could hide and see the shooting if the men were shot near the graves?

General OBERHAEUSER. Single trees might have been there which were thick enough so that a man could have hidden and looked on, but the majority of the trees were rather thin.

Mr. DONDERO. Were they tall trees, or were they just a low height?

General OBERHAEUSER. The trees were fairly high, about 40 to 50 years old, pines; the size of trees about 40 to 50 years old, pine trees. I am no forester, I don't know very much about this.

Mr. DONDERO. Do you think, General, that a man, or two men, could have hidden in those pine trees that you have described, and near enough to the graves so they could have seen what was going on if the men were shot very close to where they were buried?

General OBERILAEUSER. Yes; in my opinion it would have been possible for one or two men to hide, because there were also single bushes standing about, so it would not have been impossible to hide there and look on.

Mr. DONDERO. Well, could they have hidden themselves by climbing the trees so they could not have been seen?

General OBERILAEUSER. I do not think that is very likely, because these pine trees, as usual, are quite bare, without branches.

Mr. DONDERO. That is all.

General OBERILAEUSER. They only have foliage on top.

Chairman MADDEN. Any further questions?

(No response.)

Chairman MADDEN. General, I just want to ask two questions.

The Russians, in 1943, made an investigation, as you know, and then presented a written report of their investigation.

General OBERILAEUSER. I know about this report of the Russians, and a few days ago I read in the East Berlin Communist paper, *Taegliche Rundschan* the story which covers, more or less, this Russian report.

Chairman MADDEN. Yes. Now, General, among the various conclusions or statements which they made in their report was the following:

The mass shootings of Polish prisoners of war in the Katyn Forests were carried out by a German military organization hiding behind the conventional name of Headquarters of the 537th Engineering Battalion, which was headed by Lieutenant Colonel Arnes and assistants, First Lieutenant Rokst and Second Lieutenant Hodt.

Now, what do you have to say about that conclusion of the Russian report?

General OBERILAEUSER. It was, in my opinion, quite easy for the local population to find out about the name of the unit, and Ahrens is quite impossible because he did not take over the regiment before November 1941. And the names of those two officers, Rokst and Hodt, were also fairly easy to be found out by the local population because these young officers engaged women from the civilian population to work in the kitchen of the staff headquarters and to do other housework and chores, and so naturally the names of these officers were much in evidence, and they must have become known to the civilians as well.

To my recollection the Russians also named this unit engineer battalion or construction battalion and I believe that that may come from the fact that formerly in the Russian Army and, as far as I know, also in the French Army, engineer and communication troops were together.

The allegations by the Russians, in my opinion, that Colonel Ahrens and these two lieutenants, Rokst and Hodt, were responsible for the shootings are absurd, because Ahrens was not even there at that time.

Chairman MADDEN. Now, one more question.

The Russian report also concluded—and I will repeat this and the interpreter can convey it to the witness as I go along:

The German occupation authorities, in the spring of 1943, brought in from other places bodies of Polish war prisoners whom they had shot and put into the open graves in the Katyn Forest, calculating on covering up the traces of their own crimes and on increasing the number of victims of Bolshevik atrocities in the Katyn Forest.

General, what do you have to say about that statement of the Russians?

General OBERHAEUSER. All I have to say about that is that the Russians seem to have a lot of imagination.

Chairman MADDEN. All right. Now, the Russians, in their report, after their investigation, also concluded:

"Preparing for their provocation, the German occupation authorities started opening the graves in the Katyn Forest in order to take out documents and material evidence which exposed them"—that is, documents from the bodies, letters, and so on—"using for this work about 500 Russian prisoners of war who were shot by the Germans after this work was completed."

General OBERHAEUSER. It is correct that the exhumations were made by Russian prisoners of war, but it is absolutely out of the question and impossible that these allegedly 500 Russian POW's should have been shot by the Germans.

I want to point out one fact, that from the letters and documents—particularly from the letters—found on the dead bodies by the Germans, it emanates quite clearly that all these letters stopped around about a certain date, May 1940, and not one letter was dated later after that.

Chairman MADDEN. That is all. Any further questions?

(No response.)

Chairman MADDEN. Now, General, the committee is very thankful for you coming here today and testifying, and your testimony has been very helpful.

Chairman MADDEN. The next witness is Lieutenant von Eichborn.

**TESTIMONY OF REINHARDT VON EICHBORN, FRANKFURT/MAIN,
GERMANY (THROUGH THE INTERPRETER, ARTHUR R. MOSTNI)**

Chairman MADDEN. Will you please state your name and address for the reporter?

Lieutenant VON EICHBORN. Reinhardt von Eichborn.

Chairman MADDEN. Now, the interpreter will stand up and be sworn.

What is your name?

Mr. MOSTNI. Arthur R. Mostni.

Chairman MADDEN. Do you solemnly swear, by God the Almighty, that you will, according to the best of your skill and ability, truly interpret the testimony of the witness from English into German and from German into English?

Mr. MOSTNI. I do.

Chairman MADDEN. Now the counsel will read the witness his statement.

Mr. MITCHELL. Before you testify it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel either in criminal or in civil proceedings for any-

thing you may say in your testimony, so long as you tell the truth. At the same time, we wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as the result of your testimony.

Chairman MADDEN. Do you understand that?

Lieutenant VON EICHBORN. Yes, I do.

Chairman MADDEN. You will be sworn.

Do you solemnly swear by God the Almighty that you will, according to the best of your knowledge, tell the pure truth, the whole truth, and nothing but the truth, so help you God?

Lieutenant VON EICHBORN. I swear, so help me God.

Mr. FLOOD. What is your full name?

Lieutenant VON EICHBORN. Reinhardt von Eichborn.

Mr. FLOOD. Were you ever identified with the German armed forces?

Lieutenant VON EICHBORN. Yes, I was.

Mr. FLOOD. What was your rank and what was your connection with the German armed forces in 1941?

Lieutenant VON EICHBORN. I was a lieutenant, and I was a case worker for communications affairs with the central army group.

Mr. FLOOD. Were you ever identified at any time with the regiment 537 that we have been talking about here?

Lieutenant VON EICHBORN. From the outset of the war until the winter of 1940 I was a member of this regiment.

Mr. FLOOD. What was your duty or job with the regiment?

Lieutenant VON EICHBORN. I was company commander with the first company and I was in charge of the communications of this group.

Mr. FLOOD. When did you go into the Smolensk area?

Lieutenant VON EICHBORN. Approximately in the beginning of September, at the same time as the army group did.

Mr. FLOOD. What were you doing with the army group instead of with your regiment?

Lieutenant VON EICHBORN. Since December of 1940 I had been transferred to this army group.

Mr. FLOOD. Were you here when General Oberhaeuser testified?

Lieutenant VON EICHBORN. Yes, I was.

Mr. FLOOD. What do you know about an advance party or an advance unit from the group that went into Smolensk before the staff headquarters did?

Lieutenant VON EICHBORN. Approximately 5 or 6 weeks prior to the movement of the army group from Borisow to Smolensk, an advance unit under the command of two officers, Hodt and Reichert, with a few noncoms and enlisted men, was dispatched to the Smolensk area in order to prepare communications for staff headquarters of the army group.

Mr. FLOOD. What was your specialty in communications?

Lieutenant VON EICHBORN. I was in charge of the planning staff of communications and of maintenance of communications to the army group.

Mr. FLOOD. Are you aware of the procedure for the transmission of operational orders from the supreme command or from the army group, and from the army group to the armies or down to the regiments in the Smolensk area?

Lieutenant VON EICHBORN. No direct orders were communicated from army headquarters to regimental headquarters, and so forth; it was always conveyed via division or corps headquarters.

Mr. FLOOD. Were you in a position to intercept or be aware of any communications by telephone or otherwise between field marshals commanding arm groups?

Lieutenant VON EICHBORN. I was in charge of seeing to it that such communications could be effected without any disturbances. Therefore, time and again I had to monitor such messages, and therefore I have been in a position to intercept or listen to such information.

Mr. FLOOD. Were you in a position to intercept or listen to any communications from the supreme command or the army command to any special groups that might be operating for the Germans in the Smolensk area in 1941?

Lieutenant VON EICHBORN. If I had intended it. I had a chance to monitor every conversation held between headquarters and any subgroup or subcommand, and vice versa.

Mr. FLOOD. You heard General Oberhaeuser tell us, I suppose, that the German high command had issued an order at one time, about this time, for the killing of Russian prisoners.

Lieutenant VON EICHBORN. Yes, I did.

Mr. FLOOD. Did you, in your capacity as a communications expert at a highly confidential level, intercept or participate in any communications of any nature between the German supreme command or army group commanders dealing with the order to kill Russian prisoners?

Lieutenant VON EICHBORN. Six weeks prior to the beginning of the Russian war I effected communications between Field Marshal von Bock and Von Kluge, a conversation which lasted for about three-quarters of an hour, and which dealt with the so-called commissar order.

Mr. FLOOD. How did you become identified with that exchange between those two high-ranking officers?

Lieutenant VON EICHBORN. I was ordered to report to the field marshal, and I was asked whether there was any chance——

Mr. FLOOD (interposing). What field marshal?

Lieutenant VON EICHBORN. Von Bock—and I was asked whether there was any chance of effecting such a communication between Posen and Warsaw and that no monitoring of the conversation would be possible.

Mr. FLOOD. Did Von Bock ask you that himself?

Lieutenant VON EICHBORN. Yes. He ordered me to report personally to him. Generally he gave me an order to effect a communication in such a way that neither at Posen nor at Warsaw, nor anywhere on the way, could anyone monitor the conversation.

Mr. FLOOD. Did you?

Lieutenant VON EICHBORN. Yes. I did. This conversation was carried on via a high-frequency generator and through an inverter device.

Mr. FLOOD. What happened?

Lieutenant VON EICHBORN. That is a scrambling device.

Mr. FLOOD. Tell us what happened. What did you do? Who was on the other end? What was the conversation?

Lieutenant VON EICHBORN. In order to do that I proceeded to a switchboard, to a central switchboard. I took the place normally occupied by a switchboard operator, and I saw to it, from the other end, that an officer also took the place of the operator. The conversation subsequently took place and it was revealed that it was Field Marshal von Kluge who had desired it.

In the course of this conversation the two gentlemen exhaustively discussed the commissar order which, so far, had been unknown to me, and which I believe had been promulgated, I believe, a day before. It turned out that both gentlemen were unanimous that such an order was absolutely incompatible with the honor of a Prussian officer.

Mr. FLOOD. Who was that? Von Bock and von Kluge?

Lieutenant VON EICHBORN. Yes, von Bock and von Kluge.

The gentlemen subsequently discussed any chance to have this order rescinded, and they agreed upon proceeding to Hitler and seeing Hitler together with the other two field marshals on the Russian front, von Rundstedt and von List.

Mr. FLOOD. Was that the end of the conversation?

Lieutenant VON EICHBORN. That was the end.

Mr. FLOOD. Did you listen to this conversation yourself?

Lieutenant VON EICHBORN. Yes, I did. I personally listened to the conversation, and at the Warsaw end of the line another officer had been listening in.

Mr. FLOOD. You don't know whether any meeting with Hitler took place or what happened, do you?

Lieutenant VON EICHBORN. No, I know nothing about that.

Mr. FLOOD. Did you ever visit the staff of the 537th regiment at Dnieper Castle?

Lieutenant VON EICHBORN. Inasmuch as it was my old regiment, I frequently happened to be there on duty as well as off duty.

Mr. FLOOD. Did you, at the time you were there, from September on, encounter any Polish prisoners, or did you ever hear of any Polish prisoners being in the area?

Lieutenant VON EICHBORN. No, I neither heard nor saw anything of it.

Mr. FLOOD. Now, there were all kinds of rumors going around the Katyn-Smolensk area that Polish prisoners had been there and had been shot by Russians. Did you ever hear any of that?

Lieutenant VON EICHBORN. I knew nothing at all of such rumors. I definitely would have remembered such rumors if I had heard them, because at the time of the discovery I was no longer serving with the unit, and for this reason, if I ever had heard anything about such rumors, I would not have failed to remember it.

Mr. FLOOD. Were you in the Smolensk-Katyn area in April 1943 when the Germans announced the discovery of the bodies?

Lieutenant VON EICHBORN. No, I was not.

Mr. FLOOD. When you visited your former brother officers of the 537th regiment of the Dnieper Castle regimental staff, did you ever talk about any rumors or what the natives were saying about things generally in the area?

Lieutenant VON EICBORN. No; I certainly would remember any such thing if it had happened, because later on I was very much astonished about it.

Mr. FLOOD. Did you take any walks in the area during all the months that you were there around the Dnieper Castle and the woods?

Lieutenant VON EICBORN. Yes, I did.

Mr. FLOOD. Did you ever see any mounds that might have resembled graves, or anything of that nature, in the area of the castle?

Lieutenant VON EICBORN. Naturally, this area had been a combat area—

Mr. MACHROWICZ. A what?

Lieutenant VON EICBORN. A combat area, and therefore it is quite natural that war material was littered about the whole area, and there were also individual graves.

Mr. FLOOD. But did you see anything resembling a large mass grave that might contain the bodies of thousands of men?

Lieutenant VON EICBORN. No, I did not, because if I had done so I wouldn't have failed to discuss the subject.

Mr. FLOOD. You heard General Oberhaeuser's testimony this morning, for several hours this morning, and he went into great detail describing the Dnieper Castle, the woods, the highways, and the general surroundings, with a map that he showed the committee? You heard all of that?

Lieutenant VON EICBORN. Yes, I did.

Mr. FLOOD. Is there anything you wish to add to that description, that you think of importance, in detail?

Lieutenant VON EICBORN. No, I don't believe I would be able to add anything.

Mr. FLOOD. Because of your relationship and friendship with the officers and the men of the 537th regiment, because of the fact that you were quartered with the army group headquarters only a few kilometers away, and since you visited with the regiment regularly, would it have been possible for this regiment or the staff members thereof at Dnieper Castle, non-commissioned or otherwise, to have perpetrated or participated in the killing of 4,000 Polish prisoners between July and November of 1941 without you knowing or hearing about it in some way.

Lieutenant VON EICBORN. That was entirely impossible, for the following reasons: The army group was just preparing the great offensive against Moscow, which was supposed to terminate the war. For this reason this army group had under its command five, or I believe even as many as six, armies, and the communications officer in charge of this army group had to effect communications between the army group and those armies. The members of communications regiment 537, this army group, as well as all other communications regiments, were feverishly engaged in terminating those communications before winter set in. In order to make sure that all communications would be properly in shape and properly set up prior to the commencement of the offensive, we had to receive daily reports about the accomplishment of work done in various work sectors. Even a single day on which no work would have been effected would have become conspicuous because thus the target would not have been met in due time. Therefore,

it is utterly impossible that even a single company would not have been assigned to proper work for even as little as 1 day or more days.

Mr. FLOOD. Did you ever see or hear of the execution of any Polish prisoners by Regiment 537 in that area?

Lieutenant von EICHBORN. No, I did not. Naturally, I did not.

Mr. FLOOD. Did reports of prisoners taken by the German units in that area come through your communications headquarters?

Lieutenant von EICHBORN. Naturally this army group dispatched, every night, messages to supreme headquarters. These messages were received and disseminated to the leaders of the various groups.

Mr. FLOOD. Did the communications include lists of prisoners taken by the Germans?

Lieutenant von EICHBORN. Well, it goes without saying that small numbers of prisoners such as a mere 20 or 30, that was not disseminated. However, when a major batch of prisoners was captured such as, for instance, in the Vyazma barrel, when thousands of prisoners were taken, in such an instance notification of the number of prisoners was given.

Mr. FLOOD. Would 4,000 be a big enough number to transmit?

Lieutenant von EICHBORN. Definitely so.

Mr. FLOOD. Did your communications headquarters ever transmit to a higher command any report as to the taking of 4,000 Polish officer prisoners by the Germans anywhere in the Smolensk area?

Lieutenant von EICHBORN. No.

Mr. FLOOD. Or any other Poles of any category?

Lieutenant von EICHBORN. No. At least, I received notice of no such thing.

Mr. MACHROWICZ. Who was in command of the 537th regiment in September of 1941 when you were there?

Lieutenant von EICHBORN. Colonel Bedenk.

Mr. MACHROWICZ. Do you know Colonel Ahrens?

Lieutenant von EICHBORN. Yes, I do; he was his successor.

Mr. MACHROWICZ. Was Colonel Ahrens in that area in September or October of 1941?

Lieutenant von EICHBORN. Colonel Ahrens took over the command of that regiment some time in November.

Mr. MACHROWICZ. That is all.

Chairman MADDEN. Any further questions?

Mr. DONDERO. No questions.

Chairman MADDEN. We wish to thank you for coming here today to testify.

The committee will reconvene at 2:30.

(Whereupon at 1 p. m. a recess was taken until 2:30 p. m.)

AFTERNOON SESSION

(The committee reconvened at 2 p. m.)

Chairman MADDEN. We come to order.

Who is the first witness?

Mr. FLOOD. I thought, Mr. Chairman, before we take the first witness, that it might be interesting for the committee to know that tomorrow's witnesses will be Mr. Paul R. Sweet, who is an American and Director of the Joint Allied Commission for Analysis and Doc-

umentation of Captured German Files; who will be followed by Dr. Wilhelm Zietz, former Acting Minister of Public Health and Welfare, in the former German Government, who set up and had charge of the arrangements for the International Commission of Scientists. Dr. Zietz will be followed by Dr. Florenz Orsos, distinguished Hungarian pathologist and authority on forensic medicine. He will be followed by Dr. Tramsen, a distinguished Danish pathologist; both members of the International Commission. They will be followed by Mr. von Herff, who was the forestry expert in connection with the surroundings at the Katyn graves.

Chairman MADDEN. The first witness this afternoon will be Colonel Ahrens.

TESTIMONY OF FRIEDERICH AHRENS, ST. GOARSHAUSEN, WEINICHERSTRASSE 284, GERMANY (THROUGH INTERPRETER, MARGA MEIER)

Chairman MADDEN. Will you give your name and address to the reporter?

Colonel AHRENS. Frederick Ahrens.

Chairman MADDEN. And your complete address?

Colonel AHRENS. St. Goarshausen-on-the-Rhine.

Chairman MADDEN. Mr. counsel, will you read statement to the witness?

Mr. MITCHELL. Before you testify, it is our wish to invite your attention to the fact that, under German law, you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, we wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Chairman MADDEN. Do you understand that?

Colonel AHRENS. Yes; I do.

Chairman MADDEN. Will you raise your right hand, please, and be sworn?

Do you solemnly swear, by God the Almighty, that you will, to the best of your knowledge, not conceal anything and tell the truth, the whole truth; so help you God?

Colonel AHRENS. I do.

Mr. FLOOD. What is your full name?

Colonel AHRENS. Ahrens, Friedrich.

Mr. FLOOD. Were you ever identified with the German armed forces?

Colonel AHRENS. Yes.

Mr. FLOOD. What was your rank and in what capacity were you serving on the eastern front in the Smolensk area?

Colonel AHRENS. When I came to Russia, in the area of Smolensk, I had the rank of a lieutenant colonel.

Mr. FLOOD. When did you get to the Smolensk area; what date, year, and month?

Colonel AHRENS. During the first days of November 1941.

Mr. FLOOD. Where did you come from?

Colonel AHRENS. I was commander of a signal training regiment in Halle-on-the-Saale.

Mr. FLOOD. Is that in Saxony?

Colonel AHRENS. Yes; Province of Saxony.

Mr. FLOOD. What was your job there?

Colonel AHRENS. I was commander of a training regiment, and we trained there special troop units for use at the battle areas. Furthermore, the regiment provided troop units for special training and training institutions.

Mr. FLOOD. Were you a specialist in communications?

Colonel AHRENS. I think I can say that; yes.

Mr. FLOOD. What date did you take over your new command in the Smolensk area?

Colonel AHRENS. I arrived in Smolensk during the first days of November 1941.

Mr. FLOOD. Whom did you succeed?

Colonel AHRENS. I was a successor of Colonel Bedenk.

Mr. FLOOD. Who was your immediate superior?

Colonel AHRENS. My immediate superior was General Oberhaeuser.

Mr. FLOOD. Were you at the hearings before the committee yesterday?

Colonel AHRENS. No; I was not.

Mr. FLOOD. Were you here this morning?

Colonel AHRENS. Yes; I was.

Mr. FLOOD. Did you hear the testimony of General Oberhaeuser this morning?

Colonel AHRENS. Yes; I did.

Mr. FLOOD. And that was the same General Oberhaeuser who was your commanding officer?

Colonel AHRENS. Yes.

Mr. FLOOD. Do you have any copies of any documents or the documents themselves, or any newspaper articles or banquet menus, or anything that would indicate that you were at this training school in Saxony at the time you say you were there?

Colonel AHRENS. I used to live in Halle, and in Halle I lost everything I possessed; all that had fallen into Russian hands. But I believe that I might be able to get such information, such documents, from Colonel Brinkman, or from some other agency who might still have such documents or copies of such documents; and it is possible that I will find some documents at home. I will see to it and try to find something.

Mr. FLOOD. Who was that colonel you mentioned?

Colonel AHRENS. Colonel Brinkman was personnel officer with the Army personnel office, and he was personnel officer for the communications troops.

Mr. FLOOD. Where is he now?

Colonel AHRENS. He is living at Hoexter-on-the-Weser.

Mr. FLOOD. The committee would appreciate it very much if you would make every reasonable effort to obtain such original documents and, with the cooperation of the nearest Consul General of the United States of America or some proper attaché of the Americans at Bonn, forward such documents, with a certificate attached, to this committee at its Washington address.

Colonel AHRENS. The officer in charge of transfers to the home army was Colonel Hassel, and he should be able to give any information as to these transfers. I had seen him repeatedly during the last months of the summer and the early fall of 1941 in his Berlin office. Today he is living in Emden.

My commanding officer with the home army was Mueller, who is living in southern German today, and his address is known.

This home regiment was a rather strong regiment of about 4,800 persons, and I can name you a sufficient number of officers and non-commissioned officers who could give you information as to my stay in Halle.

Mr. FLOOD. The committee will cooperate in any way it can to obtain for you any certification of these facts, if they are true, from any Wehrmacht records that the Americans may have, if it is at all possible.

Colonel AHRENS. Furthermore, I could give you a number of names of families, civilians, with whom we had social contact. My wife lived at Halle also, and we had social contact with these people and they could testify as to that.

Mr. FLOOD. We are interested at this point in documentation of your statement.

This, as you are aware, has significance because of the fact that the Soviet report claims that you were the commanding officer of a German regiment that executed these Poles between July and November of 1941; and, of course, you say you did not get to the Katyn area until November of 1941.

Colonel AHRENS. I do not only say that, but it is a fact; and this fact can be seen from the following fact: I met General Oberhaeuser for the first time in my life in November 1941, and he will be able to testify as to that.

I also met Mr. Eichborn.

Mr. FLOOD. General Obershaeuser testified this morning, and the record can speak for itself on that.

Where did you set up your staff headquarters after you took over from Colonel Bedenk at Katyn?

Colonel AHRENS. In the beginning, for about 2 weeks, I was together with Colonel Bedenk on the staff because I wanted to get acquainted with this task in Russia, which was new to me. Then afterwards, the regiment was given to me, and I remained in the same quarters and accommodations where the headquarters used to be before.

Mr. FLOOD. What regiment?

Colonel AHRENS. This was the army group, Signal Regiment No. 537.

Mr. FLOOD. What were the duties of the regiment?

Colonel AHRENS. The duties of the regiment were to have connections and communication, that is, telephone and teletype, between the headquarters of the staff and the various armies, and, furthermore, to have contact with the subordinate offices and with the neighboring units.

Mr. FLOOD. You say you were here when General Oberhaeuser testified this morning. You heard him, then, go into considerable length and detail in describing the physical premises of the Dneiper Castle

and the area surrounding the Dneiper Castle and the distances, in kilometers, between the Dneiper Castle and the village of Katyn and the city of Smolensk, and General Oberhaeuser's headquarters, and the army group center headquarters.

Colonel AHRENS. I did hear that, yes.

Mr. FLOOD. Can you corroborate the testimony given by the general with reference to those particular facts?

Colonel AHRENS. In general, yes, I can corroborate it. However, there was one slight error which General Oberhaeuser made this morning, that is, that the distance between the Dneiper Castle and the main road is not 400 meters, as he testified to this morning, but approximately 1 kilometer; which is slightly longer. At least, that is how I recollect it.

Mr. FLOOD. That is the best of your recollection, is it?

Colonel AHRENS. Yes.

Mr. FLOOD. I would like your opinion as to the density of the woods or forest as between the main Smolensk highway and the Dneiper Castle.

Colonel AHRENS. This forest was a forest of mixed groves. It must have been very dense originally, but due to the fights that took place in there, it was not very dense afterwards. There were a few clearings in that forest, and the road was west and the forest was west of the road, and the road was going from north to south. Now, west of this road the forest was not as dense as on the other side of the road.

Mr. FLOOD. By the way, Mr. Madden, the chairman, inquired the other day of one of the witnesses as to the area of the entire so-called Katyn Forest. We never had an answer on that. Can you give any opinion as to the number of acres or the number of kilometers square covered by the entire Katyn Forest, so-called?

Colonel AHRENS. I have to go into some detail as to that. If you left Smolensk in the direction toward Vyazma, then you would meet the first wood approximately 8 kilometers from Smolensk. This was the forest of the wood of Krasny Bor. As you went on, you passed the little town of Gniezdowo—I spell it G-n-e-z-d-o-w-a—and then you have to cross a railway line, and there was a slight slope; and left of that, that is, south of Smolensk, you had another forest. This forest extended over several kilometers along the street.

The first part of this forest was the little forest which belonged to my regimental staff, and this little forest covered about one square kilometer, and it was fenced in. But the forest extended on for many kilometers. South, the forest was limited by the Dneiper, which went along there, and on the Dneiper, on a very steep slope at the Dneiper, the Dneiper Castle was situated, where our quarters were.

Mr. FLOOD. Just a minute.

Will you have the stenographer mark this as exhibit 3?

(The document referred to was marked "Exhibit 3" for identification and is shown on p. 1291.)

Mr. FLOOD. I now show the witness a document containing a picture, which is exhibit 3, and ask him whether or not he can identify that picture.

Colonel AHRENS. I am able to identify this picture. It is a picture of the regimental staff quarters. There is one thing very interesting with this picture because very close to the house there are trees. These

trees have been planted artificially for purposes of aircraft protection, protection from aircraft, and if I see correctly, there are small trees on the roof, which were planted there for the same reason.

Mr. FLOOD. Who planted them?

Colonel AHRENS. This was done on my order, and this was very important, because time and again, I had to see that my forest, as I used to call this little forest, was cleared by other troop units. Thus, I was deprived of air protection, and, actually on the 22d of January 1942, I experienced a successful air attack on our house. Of five bombs that were dropped, three hit.

There, after the attack, I had the trees planted on the roof, and I also had patrols going on to prevent further trees from being cut.

Mr. FLOOD. Colonel, you seem to have a flair for detail and description. I wish you would, for the record, describe for us your impression of this so-called Dnieper Castle. What did it look like inside? What did you think of it? Did it interest you, or were you curious at all?

Colonel AHRENS. I am glad to do that.

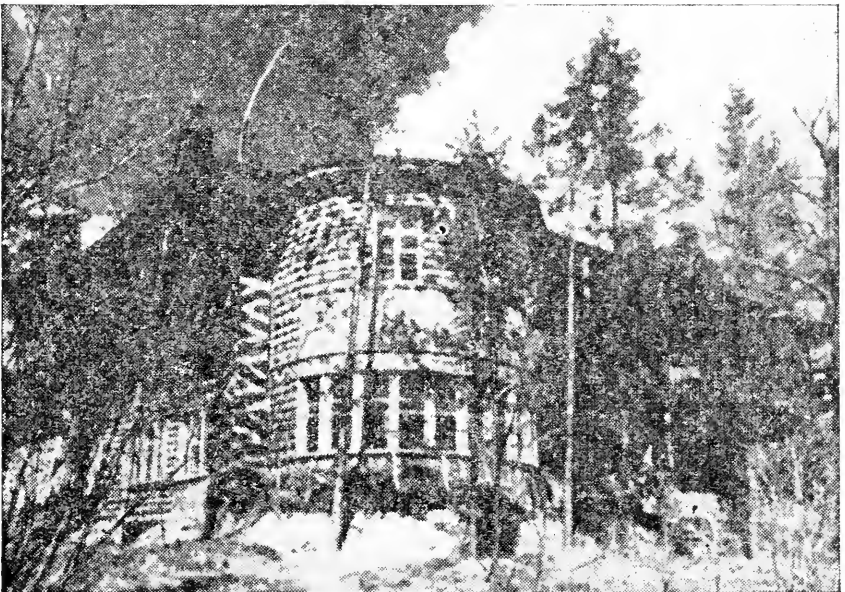
Mr. FLOOD. Are you finished with the picture?

Colonel AHRENS. Yes.

Mr. FLOOD. We want that placed in evidence.

(Exhibit 3 is as follows:)

EXHIBIT 3



Dnieper Castle, headquarters of Signal Regiment 537

Colonel AHRENS. This house was situated very isolated, and there was no other building in a distance of about 2 to 3 kilometers. As I said, it was situated in very beautiful landscape, and, for Russian conditions, it was an extremely nice and splendorous building, as far as the outer view was concerned, as well as the inside construction.

For instance, there were balconies all around the house, on the ground floor and the first floor. It contained approximately 20 rooms, that is, the main building contained about 20 rooms. There were two bathrooms and a cinema room, and the apparatus was built in. Two rooms were sort of halls, on the ground floor as well as on the first floor.

There were buildings for functional purposes, containing a very large kitchen, and there were further rooms for servants. There was water installation and central heating. Furthermore, there was a big garage and a workshop in a neighboring building, a steam bath, stables, and a tennis court and, furthermore, a rifle range.

Mr. FLOOD. A rifle range.

Colonel AHRENS. For pistol shooting.

As I said before, the front of the building was on a slope to the Dnieper, and the back part was surrounded by the forest. The part from the road which led from the Dnieper Castle to the main road had several roads through the forest, which you could use for taking walks. The whole building gave the impression of a real castle.

Mr. FLOOD. Did you ever hear, during the time you were there, any rumors or statements as to what this castle was used for during the Russian occupation days?

Colonel AHRENS. I did not hear any rumors as to that, at least not at first, and I was under the impression that probably during the times of the Czar, this must have been the summer place of some prince, and this prince was supposed to have had a farm in Mikolino, where there were still ruins of another big building.

Mr. FLOOD. Did you ever hear that the Castle had been used during the Army occupation days, right before the Germans got there, as an NKVD rest home or convalescent home?

Colonel AHRENS. As I said before, this area, this Dnieper Castle and the forest of about one square kilometer was fenced in, and there were rumors that the civilian population, before the beginning of the war, were not permitted to enter this area, which was guarded by guards.

Mr. FLOOD. What is the answer to my question? Did you ever hear, when you were there, that this was used as an NKVD rest home or convalescent home, the castle? Can you answer yes or no?

Colonel AHRENS. I did not hear for what purposes it was used, but it was said that commissars had been there.

Mr. FLOOD. You said a minute ago that a certain area within sight of this fenced forest was used, or the Russians or somebody said that it was "Verboten." Who told you that? Where did you hear that story?

Colonel AHRENS. My soldiers said that the civilian population had indicated that to them.

Mr. FLOOD. How many men were on your staff at your regimental command headquarters at the Dnieper Castle?

Colonel AHRENS. When I took over the regiment, there were about 50; later on, half as many, about 25.

Mr. FLOOD. How many noncommissioned officers and how many commissioned officers in your regimental staff were there at the castle?

Colonel AHRENS. In the beginning, there were three officers; later on, there were only two; and about five to six noncommissioned officers. At times there may have been seven noncommissioned officers.

Mr. FLOOD. How many individuals, noncommissioned and commissioned, at your regimental staff headquarters, carried sidearms, pistols?

Colonel AHRENS. The noncommissioned officers carried pistols.

Mr. FLOOD. How many?

Colonel AHRENS. Each noncommissioned officer, one pistol.

Mr. FLOOD. How many noncommissioned officers were there?

Colonel AHRENS. Five to six.

Mr. FLOOD. Did the officers carry sidearms?

Colonel AHRENS. Also one pistol each.

Mr. FLOOD. How many officers carried pistols?

Colonel AHRENS. Each officer, one pistol. And in the beginning, we were four officers and later on we were three.

Mr. FLOOD. Were you responsible for your own security measures as the regimental commanding officer?

Colonel AHRENS. Yes, I was.

Mr. FLOOD. What security measures did you set up after you took over from Colonel Bedenk?

Colonel AHRENS. I arranged the defense of the regimental staff so that it could be defended with very few people. I had the firewood piled up around the house in such a way that it built sort of a wall.

Mr. FLOOD. When you took over from Colonel Bedenk in November of 1941, was the area cordoned off, "Verboten," with armed guards all around the forest and the highway?

Colonel AHRENS. It was not cordoned off, nor was it forbidden to enter the area.

Mr. FLOOD. Congressman Dondero this morning asked General Oberhauesser whether or not Bedenk or you had the area posted with signs that anybody that trespassed there would be shot. Did you put up any signs of that sort; or when you got there and took over from Bedenk, were there any such signs up?

Colonel AHRENS. No.

Mr. FLOOD. Did you have any other duties in the general area, other than being commanding officer of the communications regiment?

Colonel AHRENS. Yes. I also had the task of defending the western part of Smolensk, from January 1942 on.

Mr. FLOOD. What was the nature of that task?

Colonel AHRENS. The army group was at that time threatened by the Russians breaking through at Biloj.

If I remember correctly, the spelling is B-j-l-o-j.

At that time the troop units stationed in the area west of Smolensk were taken together into a defense unit, and this defense unit was technically under my command.

Mr. FLOOD. Under your command for those technical reasons, did you conduct any maneuvers of any sort in the area? Did you conduct any practice maneuvers?

Colonel AHRENS. First of all, we built fortifications, and after they were finished, they were occupied just for the purpose of practicing.

Mr. FLOOD. What I mean is: Did you conduct any practice maneuvers of your defense troops in the Katyn Forest area?

Colonel AHRENS. No. I had nothing to do with these practice maneuvers. These practice maneuvers were carried out by the troop units themselves, and this was done particularly in the area north of Smolensk.

Mr. FLOOD. Was there any shooting going on in the practice maneuvers?

Colonel AHRENS. No.

Mr. FLOOD. During the time that you were in the Smolensk area, from November of 1940, when you took over, did you see any Polish prisoners of any category in that area?

Colonel AHRENS. No; I did not.

Mr. FLOOD. Did you ever receive any order from General Oberhaenser or from the supreme command, or from any SS generals or anybody else, to kill any prisoners of war, especially Poles?

Colonel AHRENS. No; I did not.

Mr. FLOOD. Did you hear of any shooting of Poles going on in the Katyn Forest area near your headquarters at any time, before you got there or while you were there?

Colonel AHRENS. No, I did not. But I certainly would have heard it if it had happened.

Mr. FLOOD. Would it have been possible for the execution of 4,000 Polish officers to have taken place within a few hundred meters of your regimental staff headquarters, day or night, during the time you were in command, that you would not, first, have heard about it or, secondly, seen it?

Colonel AHRENS. This is completely impossible. This was impossible also for the reason that our staff headquarters was very close to the headquarters of the army group, and no one was doing any shooting there. This was just impossible.

Mr. FLOOD. You had Russians on your regimental staff, did you; domestic workers?

Colonel AHRENS. Yes; so-called "Hivis." There were four.

Mr. FLOOD. Men and women?

Colonel AHRENS. The "Hivis" were men. They were former Russian prisoners of war, and they were very nice and very skilled in their work and very nice in their attitude towards the staff.

Chairman MADDEN. I might announce at this time that we have a number of very important witnesses tomorrow, and the sessions tomorrow will start at 9:30.

Mr. FLOOD. Did you ever hear them discuss, or did they tell you or any of your brother officers, about the shooting of Poles in the area, or rumors of them?

Colonel AHRENS. No. And they could not do that because they came from quite another area of Russia.

Mr. FLOOD. Did you ever give any orders to your Russian civilian workers or POW's that they were not to leave the Dnieper Castle, they were not to walk in the area, they were not to enter any of the rooms of the Dnieper Castle, unless with German escort?

Colonel AHRENS. The answer to your first question is no. In our Staff Headquarters, we had extremely secret material, in particular, maps; and therefore the rooms in which this secret material was kept could not be entered by anyone else except the officers in charge. But, although, the cleaning of the quarters could not be done except under

supervision, because in there were several things which they would not like to be seen except if someone else was around.

Mr. FLOOD. In 1943, during the period of time you were there and in command, do you know of any convoys of trucks, above normal transport and above normal traffic, that were bringing in, or said to be bringing in, thousands of dead bodies from other areas, in 1943?

Colonel AHRENS. No, I do not. That is impossible.

Mr. FLOOD. You were present at Katyn, in the Dnieper Castle, in April of 1943, when the Germans made their announcement of the discovery of the bodies, were you not?

Colonel AHRENS. Yes.

Mr. FLOOD. How long had you been in the Dnieper Castle in the Katyn woods before April of 1943?

Colonel AHRENS. I was in the Dnieper Castle from November 1941 to August 1943. During the last weeks, in August 1943, I was not permanently in the Dnieper Castle, but partly I stayed in Vyazma, because the staff of the army group had been transferred back to that location.

Mr. FLOOD. In any event, you had been in the area from November of 1941 until April 1943, and you had been walking around in the area and back and forth all that time; had you not?

Colonel AHRENS. In general, I stayed over the week ends in the staff headquarters in Katyn; whereas, during the week, I used to stay with my troop units at the front.

Mr. FLOOD. Regardless of that, the fact remains that you know these graves were found just a few meters from your headquarters, at the Dnieper Castle; is not that correct?

Colonel AHRENS. Yes, of course; 600 meters away from the regimental staff headquarters.

Mr. FLOOD. From November of 1941 until April 13, 1943, you had been living in the Dnieper Castle; you had been living in the headquarters just a few hundred meters from where these graves were found, and you had no idea they were there; you never saw them or heard about them; is that what you want to say?

Colonel AHRENS. I never saw them, and I even could not have seen them because if you saw how these graves were built, you need not be astonished that we did not see them. It was just impossible to see them.

There were many more graves, and some of them were immediately in front of my house door. There were about 20 or 30 graves. I had no idea about them and still they were there.

Mr. FLOOD. Did you ever see any birch crosses on any graves in the vicinity of where the Germans uncovered the Polish bodies, at any time?

Colonel AHRENS. I saw one birch cross. I only saw one birch cross. This was among brushes on a little hill. The ground was rather uneven, and it was covered with birch trees of about four or five years of age. And there was brush around, and there I saw one birch cross.

Mr. FLOOD. Did you ever ask anybody about the birch cross? Did it have enough significance to you for you to ask your people what it was or how it got there?

Colonel AHRENS. In the vicinity of this area, there had been fighting going on, and there were quite a number of graves there. There were

more graves there. Partly they were graves with crosses on them and helmets, so that you know there were graves.

And then there were also small hills, where you could assume that these were supposed to be graves, but they were a little apart from this area.

But it was nothing particular to find a cross in this area; you could also find it on the road or on the airfield, that some troop unit put a cross there for some reason.

Mr. FLOOD. Did you have any reports from any of your people in that area, or from any of your command, about the graves of Polish officers, or big graves, or bones being found in the area where later the Katyn graves were discovered? Did you have any such conversations? Did you do anything about it?

Colonel AURENS. One has to differentiate to distinguish between several rumors. There rumors about these mass shootings which allegedly were going on around Katyn, and then there were other rumors about this Kommissar who had been in this area, long, long ago, about 1920. And the population told about things that had happened, about which they were not sure.

The rumors mentioned first, the rumors as to mass shootings, I did not hear; but toward the middle of 1942, now and then it was said and remarks were made that, allegedly, while this Kommissar had been there long, long ago, and when this whole area was fenced in, that shootings had been going on. I did not attach too much significance to these rumors because I had seen the G.P.U. prisons in Smolensk and I was under the impression that the executions were carried out there.

Mr. FLOOD. Had you heard that in the Katyn area the Russians had made a burial place of the vicinity of your headquarters for executed Russian civilians?

Colonel AURENS. No, I had not.

Mr. FLOOD. Did you ever talk to any Russians at any time, who lived around the Katyn Forest; any people who lived there?

Colonel AURENS. Yes; and after the graves had been found.

Mr. FLOOD. What was the nature of that conversation?

Colonel AURENS. In our area we had a Russian couple who were beekeepers. They had a number of beehives, and that is why they were there. And this couple had contact with our staff. And after the graves had been opened, the husband, who spoke German, told me that he originally lived between Katyn and Gniezdowo, and they were living a little off the road, and there they observed that railroad cars, big cars, were coming, of approximately 50 tons each, and in each of these cars there were about 200 people.

(NOTE.—Refer to exhibit 78.)

Mr. FLOOD. Just a minute. When was that?

Colonel AURENS. That was in the end of April 1943; when he told me that it was the end of April 1943.

Mr. FLOOD. When did these Russian people tell you that the things they were telling you about happened?

Colonel AURENS. According to his statement, in March and April 1940.

And that these people then were put on trucks, and they were fettered, and then they disappeared in this area and shots were heard.

Mr. FLOOD. Do you remember the names of those Russian people?

Colonel AHRENS. I had been seeing a member of my regimental staff a short while ago. This man's name is Hoerfle and he is living in Moorbach, and this man remembers the name of these Russian people. He told me that a short time ago.

Mr. FLOOD. During the time you were in command there, did you ever put up in your quarters, groups of up to 25 in number, of any kind of special German troops who did not belong to your own regiment?

Colonel AHRENS. No; never. And that could not be done; it was impossible.

Mr. FLOOD. General Oberhaeuser told us this morning that he had great respect for you and for Colonel Bedenk and that he trusted you both implicitly, and that he was satisfied that if there was any information around there dealing with graves or these matters we are talking about and that if either of you two knew about it you would have told him. You heard him say that.

Colonel AHRENS. Of course, it is correct, because if there were graves, he did see them himself.

Mr. FLOOD. Of course, you told us of a lot of rumors and a lot of reports that were being brought to you. Why did you not communicate with General Oberhaeuser and tell him of all this information that was being brought to you about this area?

Colonel AHRENS. There were not many rumors. More or less, they were just remarks, isolated remarks, by members of my staff, and I did not consider them anything else but occasional remarks. General Oberhaeuser and I were in war and we were occupied with our tasks day and night and were completely occupied with work. So we had no time to talk about things which were not directly to the point. And, besides, I considered these rumors or remarks very unimportant.

Nevertheless, when General von Gersdorff visited me one—it was in the summer of 1942; probably in August 1942, during the afternoon—during an afternoon we talked about the Dnieper Castle and what this Dnieper Castle might have been used for before, and we also were talking about the rumor that a commissar had been there before.

And on this occasion I mentioned to General von Gersdorff—and I did it quite incidentally—that apparently and according to what the soldiers told me, some time ago, people must have been shot there. But this referred to the second kind of rumor I mentioned before, long, long before the war.

Mr. DONDERO. You had nothing to do with the exhumations and the proceedings that took place on the part of the Germans after the bodies had been exhumed in April of 1943 and the announcement was made; you were not in command of those exhumations after that, were you?

Colonel AHRENS. No; I had nothing to do with that. We only had to suffer from it.

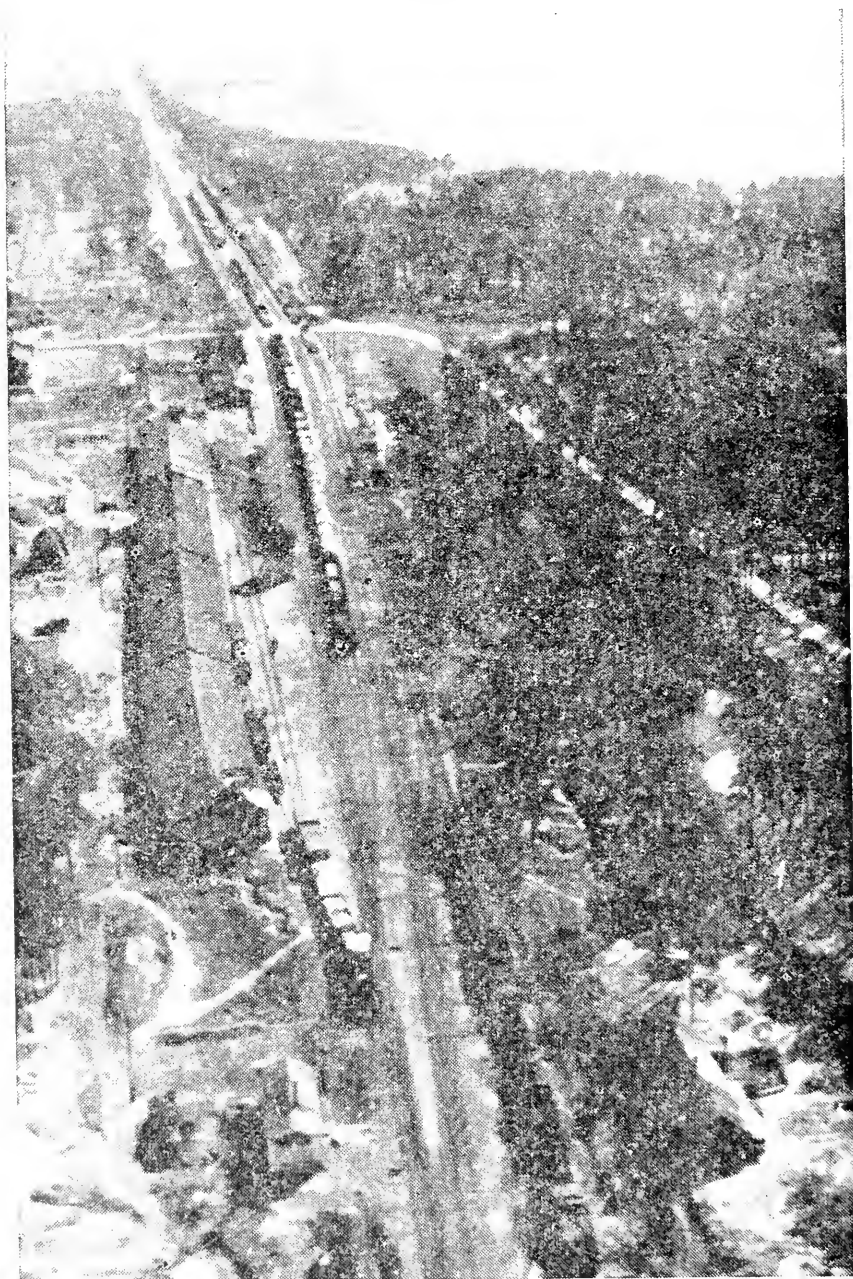
Mr. FLOOD. Would you be able to identify a picture of the railroad station at Gniezdowo if you saw it, do you think?

Colonel AHRENS. I assume so, yes.

Mr. FLOOD. Will you have this picture marked as "Exhibit No. 4"?

(The picture referred to marked for identification as "Exhibit No. 4" follows:)

EXHIBIT No. 4



Railroad station at Gniezdowo, Russia

Mr. FLOOD. I now show the witness exhibit No. 4 and ask him whether or not he can identify that picture?

Colonel AHRENS. I would not be able to identify it with certainty.

Mr. FLOOD. What do you think it is?

Colonel AHRENS. It might be that this picture was taken at the time, of the station of Gniezdowo, when I was not there yet, because, as far as I can see, there are a few trains on the picture which I do not remember from the time I was there, if these trains were destroyed trains and not just trains passing through.

I would not be able to identify it with certainty.

Mr. FLOOD. Very well. That is all.

Colonel AHRENS. Judging from the size, it might be the station; but I do not remember it correctly, although I saw it several times from the air.

Mr. MACHROWICZ. Witness, when did you first hear of the Russian charge in which they named you as the party responsible for the killing of these Polish officers?

Colonel AHRENS. In February 1946.

Mr. MACHROWICZ. That was before you testified at the Nuremberg trial?

Colonel AHRENS. Yes, and I heard it over the radio in a report given by reporter Gustav Ohlmann.

Mr. MACHROWICZ. And did you later read the entire Russian report?

Colonel AHRENS. When, immediately after having heard the report, I went to see Dr. Stahmer at Nurnberg, I learned more details about this report from Dr. Stahmer, and later on, he also furnished me with excerpts from this report.

Mr. MACHROWICZ. You know that in this report the Russians charged you were there in the months of July, August, September, and October 1941, do you not?

Colonel AHRENS. I do not know that. All I know is that they charged me with having shot 4,200, respectively 11,000 Polish officers during the time between the 1st and the 20th of September 1941.

Mr. MACHROWICZ. As you testified here before, you were not there in those months, were you?

Colonel AHRENS. No.

Mr. MACHROWICZ. What have you done since 1946 to prove conclusively that you were not there in those months?

Colonel AHRENS. I immediately put myself at the disposal of the Nuremberg court without being asked, and I even had difficulty in being heard because we were rejected as witnesses, and it was only due to the initiative of Mr. von Eichborn that we were heard and interrogated.

Mr. MACHROWICZ. Have you made any efforts in the meantime to find any documents to show you were not there in those months?

Colonel AHRENS. I did not consider that necessary because there are hundreds and hundreds of people with whom I was together every day who could testify I was together with them in Halle. I could bring hundreds and hundreds of people to testify, but I do not have documents.

Mr. MACHROWICZ. Did you hire any local Russian women from that area to help in your kitchen and other similar duties?

Colonel AHRENS. That had already been done when I came there and some of them remained and new workers came. There was a constant change-over of these workers and I did not bother about that in detail.

Mr. MACHROWICZ. You don't speak Russian, do you?

Colonel AHRENS. No, I do not.

Mr. MACHROWICZ. And in speaking to them, you used an interpreter, did you not?

Colonel AHRENS. I never spoke with them, except for the Hiwis. I never talked to the female workers.

Mr. MACHROWICZ. Didn't you have an interpreter whose first name was Johann who acted for you as an interpreter in talking to these women who were used in the kitchen?

Colonel AHRENS. No, I never went into the kitchen and talked to the women. That never happened.

Mr. MACHROWICZ. Now, the Russians charged that you personally instructed at least three of these women, through your interpreter, that they should not come to and from work except through certain definitely described roads and only in the company of soldiers. Did you ever personally issue such instructions?

Colonel AHRENS. No, I never gave such an order. I did not have an interpreter at all. There were some people who spoke some Russian. It might be possible that some of them told these people that they should do all this and that they had told them that, but I didn't bother about that at all and I certainly didn't give such an order.

Mr. MACHROWICZ. Did you have a German, whose first name was Gustav, who was a cook there? Do you remember that?

Colonel AHRENS. Yes, he fell in action.

Mr. MACHROWICZ. Was Gustav the one that handled the hiring of these women?

Colonel AHRENS. No, Gustav was their superior. He had them under him. The hiring was done by a noncommissioned officer by the name of Rose who was in charge of kitchen supplies.

Mr. MACHROWICZ. How did you first find out about the finding of the graves, and when?

Colonel AHRENS. First of all, I heard it through official channels, as was pointed out this morning by General Oberhaeuser, but, apart from that, I had some personal experience and by a mere accident I found some human bones, or rather, these bones were brought to me. This was in connection with the story about the wolf which I do not want to tell here. Now, these human bones were brought to me and I assumed that they belonged to some people who had fallen in action, and I informed the officer in charge of war graves that he should look into that. The finding of such graves was nothing unusual and, therefore, this was not mentioned in particular and no one made any fuss about that.

Mr. MACHROWICZ. When was that?

Colonel AHRENS. This was approximately at the end of January 1943, or at the beginning of February when these graves were dug open by the wolf. These bones were brought to me approximately 4 weeks later when the snow had thawed away because these graves were situated toward the south, on the southern slope of one of these mass graves. There was a little hole there and the Hiwis found these bones,

but they were brought to me about 4 weeks later. I should say toward the middle of March 1943.

Mr. MACHROWICZ. Prior to that time, did you have any knowledge of the existence of those graves?

Colonel AHRENS. No, I did not.

Mr. MACHROWICZ. Did you have a noncommissioned officer working under you by the name of Rose?

Colonel AHRENS. Yes, this is the one I mentioned before who was in charge of supplies and who also hired these Russian women.

Mr. MACHROWICZ. Have you ever been instructed by anyone as to what you should say at this hearing?

Colonel AHRENS. No.

Mr. MACHROWICZ. Of course, you realize the gravity of the charges made against you by the Russians, do you not?

Colonel AHRENS. Yes, of course, I realize that, but, of course, I wasn't there. I did all that in absentia.

Mr. MACHROWICZ. Have you been charged as a party defendant of the Nurnberg trial?

Colonel AHRENS. No, I have not, and after I had given my testimony the whole affair was dropped because it had been proved I arrived in Russia only in November.

Mr. MACHROWICZ. Has it ever occurred strange to you that although the Russians, before the Nurnberg trial, charged you directly as being the one guilty as the person who committed the murders, yet you were never named party defendant in Nurnberg?

Colonel AHRENS. Of course, this did seem strange to me and I did not know why this was like that, but, of course, they had given my name as Arnes.

Mr. MACHROWICZ. When they spoke of Oberstleutnant Arnes you knew there was only one person who could answer that description—that was yourself, is that not correct?

Colonel AHRENS. I have read the charge and all this is supposed to have happened during the fall of 1941 but, at that time, I was not in this area and all that was said in the Russian report or charge happened approximately 1 year later apparently as it was described in the Russian report, and the newspaper Taegliche Rundschau also gave this story again now and everything the Russians write there and which actually happened in 1942, similar to the way they described it as having happened in 1941, and they even gave more details in this newspaper concerning girls, but I do not want to go into that. All this is said to have happened in 1941 when I was not there but when Colonel Bedenk was there, and, actually, everything happened approximately one year later.

Mr. MACHROWICZ. There is one other significant matter in the Russian document which has not been commented on, but I want you to tell me what you have to say about it. In this charge they claim that battalion 537 posed under the pretext that it was a signal battalion, but it actually wasn't. Now, what have you to say about that?

Colonel AHRENS. As far as I can recollect, the Russian report calls this battalion a construction battalion. Furthermore, in front of our regimental staff headquarters there was a flag and this was a square flag. Now, regimental flags were square flags, whereas the battalion flags were triangular flags.

MR. MACHROWICZ. I'll read to you paragraph 3 of the general conclusions of the so-called Russian Special Commission: "The mass shootings of Polish prisoners of war in the Katyn Forest were carried out by a German military organization hiding behind the conventional name of headquarters of the Five Hundred and Thirty-seventh Engineering Battalion, which was headed by Lieutenant Colonel Arnes and his subordinates, Lieutenant Rokst and Second Lieutenant Hodt."

Colonel AHRENS. It is said there we took as a disguise the name of an engineering battalion and I want to ask the question here: "For whom did we have to use it as a disguise?"

MR. MACHROWICZ. You will have to ask the Russians that question, I'm afraid. I can't answer it.

Colonel AHRENS. I just ask this question because you read the Russian document to me.

In front of our staff headquarters there was our regimental flag and on this flag there was written: "HNR 537," Heeresgruppe Nachrichten Regiment, army group signal regiment 537.

MR. MACHROWICZ. I gather then that you deny that you were hiding behind any masquerade and that you were actually the kind of battalion you say you were?

Colonel AHRENS. May I have the sketch which General Oberhaeuser put before the committee this morning? There you can see that. May I ask the General to put it at my disposal at this minute.

(NOTE.—Refer to exhibit 74.)

MR. FLOOD. General Oberhaeuser had left.

MR. MACHROWICZ. That's all.

Colonel AHRENS. May I say one thing more in addition?

Chairman MADDEN. Yes, go ahead.

Colonel AHRENS. Our regimental flag showed very clearly the name and the troop unit of our battalion because that is what the flag was there for so that people who wanted to come to us could find us.

MR. DONDERO. Did I understand you correctly and did the committee understand you correctly that the first to find these graves were the wolves and wild animals?

Colonel AHRENS. One wolf had been digging there. That could be seen from a trace, but, at that time, it was winter and there was snow and ice there and we did not know yet that they were graves, but, after the snow had thawed, one could see that they were graves and that the wolf had been digging for bones.

Chairman MADDEN. You have covered the facts in your testimony and answered the questions asked and added comments very well and, of course, the committee realizes that you have been charged with a serious international crime in this report here and we are glad to give you an opportunity today to tell your side and to tell the facts in your testimony. If there is anything else that you would like to say to the committee, we would be glad to hear it and, if not, you can be excused.

Colonel AHRENS. I have nothing to add. I just want to thank the committee that I was given an opportunity to give my testimony here.

Chairman MADDEN. Thank you.

MR. MACHROWICZ. I want you to know that the committee was willing to give the equal opportunity to those charged with the crime

from the Russian group, but that they apparently did not care to benefit from that opportunity.

Chairman MADDEN. In other words, this committee has invited the Russian Government to appear before this committee, but they have rejected that invitation.

Colonel AHRENS. I really do regret that.

Chairman MADDEN. Thank you.

We'll take a recess for about 3 minutes and then will hear from General Rudolph von Gersdorff.

(Whereupon, a recess was taken.)

Chairman MADDEN. General von Gersdorff.

TESTIMONY OF RUDOLPH VON GERSDORFF (THROUGH THE INTERPRETER ECKHARDT VON HAHN)

Chairman MADDEN. The counsel will read a statement to you.

Mr. MITCHELL. Before you testify, it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as the result of your testimony.

Do you understand the statement?

General VON GERSDORFF. Yes.

Chairman MADDEN. You will be sworn, General.

Do you solemnly swear, by God the Almighty, that you will testify to your own knowledge of the facts concerning these hearings and to the truth, so help you God?

General VON GERSDORFF. I swear, so help me God.

Mr. FLOOD. What is your full name?

General VON GERSDORFF. Rudolph Christof Friehardt von Gersdorff.

Mr. FLOOD. Were you ever identified with the German armed forces?

General VON GERSDORFF. Yes, I was an officer on active service, a professional officer.

Mr. FLOOD. What was the highest rank you reached in the armed services?

General VON GERSDORFF. Major General.

Mr. FLOOD. What was your rank and what was the nature of your duty in 1941 on the so-called eastern or Russian front?

General VON GERSDORFF. From April 1941, to September 1943, I was third general staff officer of the army group center which corresponds to the position of G-2 in the United States Army.

Mr. FLOOD. By G-2, you mean intelligence?

General VON GERSDORFF. Yes, my main duties were to collect information about the enemy. Besides, I was in charge of counterintelligence, propaganda, and care of the troops.

Mr. FLOOD. You were, in other words, chief of intelligence of the army group center?

General VON GERSDORFF. Yes.

Mr. FLOOD. What was your rank?

General VON GERSDORFF. At first, I was a major and was then promoted to the rank of colonel subsequently.

Mr. FLOOD. Then you were the Colonel von Gersdorff who has been referred to in the Smolensk area as chief of intelligence between July and December of 1941?

General VON GERSDORFF. It couldn't possibly be anyone else but me, but, at that time, I was merely a major on the general staff.

Mr. FLOOD. And you were the Colonel von Gersdorff referred to in 1943 as being chief of intelligence in the Smolensk area?

General VON GERSDORFF. Yes, that is correct.

Mr. FLOOD. When did you move into the Smolensk army group center command?

General VON GERSDORFF. I moved into the Smolensk area with the staff of the central army group in the first days of September 1941, but, on a previous occasion, I had already visited this area once.

Mr. FLOOD. When, and why?

General VON GERSDORFF. I do not exactly recollect the date, but it must have been late in July or early in August of the same year, and it was my practice to enter an area which had just been conquered as quickly as possible, being chief of intelligence, so as to have an opportunity of interrogating important Russian prisoners that had been brought in.

Mr. FLOOD. How many days were you in the Smolensk area on that visit after the combat troops moved forward?

General VON GERSDORFF. I do not recollect the exact number of days, but it was only a few days after the combat troops had gone forward.

Mr. FLOOD. As chief of intelligence and one of your duties being, as you described, the interrogation of combat troops taken in that area, on that visit to the Smolensk area did you interrogate any Polish prisoners of any category?

General VON GERSDORFF. During the whole Russian campaign, I never saw or interrogated a Polish prisoner.

Mr. FLOOD. Did you ever see any dead ones?

General VON GERSDORFF. After the dead bodies of the Polish officers in Katyn Forest had been exhumed, I saw Polish dead for the first time.

Mr. FLOOD. That's the only time you saw any live Polish officers, soldiers, or enlisted personnel, between July 1942, and the time the bodies were exhumed at Katyn in April 1943?

General VON GERSDORFF. Yes; they were the first and only Poles, dead ones in this case, that I ever saw during the period mentioned.

Mr. FLOOD. During that period, did you ever hear from any of your widespread sources of intelligence in the Smolensk area that there were Polish prisoners, officers or enlisted personnel, hiding in the woods or hiding in the Russian villages?

General VON GERSDORFF. No, never.

Mr. FLOOD. During the same period of time did you ever, as chief of intelligence, direct any of your personnel to conduct regular round-ups and searches for Polish prisoners in the area?

General VON GERSDORFF. No.

Mr. FLOOD. Would anybody else have been able to issue such orders and conduct such intelligence operations without your knowledge or approval?

General VON GERSDORFF. The only possibility would have been that the so-called Einsatzgruppen of the SD who were not under the jurisdiction of the Central Army Group could have performed such duties, but, in view of the fact that the then chief of the police units was an officer by the name of Nebe who, already since 1938, secretly belonged to the resistance movement, I am certain that he would never have engaged in any such action without previously having contacted me about that.

Mr. FLOOD. What resistance movement?

General VON GERSDORFF. The German resistance movement against Adolf Hitler and against National Socialism.

Mr. FLOOD. Were you a member of the movement?

General VON GERSDORFF. Yes; I was.

Mr. FLOOD. You mentioned something about the Einsatzgruppen. Were there Einsatzgruppen or Einsatzkommandos in the area of Smolensk when you moved in?

General VON GERSDORFF. In every area of an army group there were certain units of the so-called Einsatzgruppen which were under the direct order of higher SS and police chiefs. This high-ranking SS or police officer was under the direct command of Heinrich Himmler. His only instructions consisted in making contact with the staff of the army group. The army group, however, had the possibility of demanding that such Einsatzgruppen should be withdrawn in the case of these Einsatzgruppen hampering the strategical and tactical movements of the combat troops. We made very wide use of this opportunity of getting rid of these Einsatzgruppen and, particularly within the area of the Fourth Army under Field Marshal von Kluge, these Einsatzgruppen were practically always far in the rear. Nebe always supported this action of ours. On the other hand, of course, he had to see that his Einsatzgruppen were also commissioned with some tasks so as not to make too bad an impression upon his higher command.

Mr. FLOOD. Did your outfit get rid of the Einsatzgruppen in your area at the time we are speaking about?

General VON GERSDORFF. I do not quite clearly recollect whether at that time the Einsatzgruppen which was attached to the Fourth Army was in action or not. I believe that at the time when the Fourth Army took Smolensk, this Einsatzgruppen was not actually fighting in the front line but I have no clear recollection of that.

Mr. FLOOD. Even if they were, in view of the nature of the commanding officer and his liaison with the Wehrmacht, would it have been possible for Himmler to have ordered the commander of that Einsatzgruppe to have committed a murder at Katyn of 4,000 troops without your knowing about it?

General VON GERSDORFF. This is utterly impossible, particularly in the spot where the murders actually took place and where the graves were subsequently found in view of the fact that this spot is located so near the highway leading from Vitebsk to Smolensk that it would have been absolutely impossible to kill 4,000 people without lots of people passing along the highway noticing it.

Mr. FLOOD. It would have been impossible for an order coming from the supreme command to the army group having to do with the killing

of Polish prisoners, particularly officers, without you, as chief of intelligence, having heard about it, isn't that so?

General VON GERSDORFF. No; because such an order would have been transmitted to my command immediately and I would have known about it immediately, too.

Mr. FLOOD. Was any such order transmitted to your command or from a supreme command to an army group during the period of service you had in the Katyn-Smolensk area?

General VON GERSDORFF. No, never.

Mr. FLOOD. You heard General Oberhaeuser testify this morning, did you not?

General VON GERSDORFF. Yes, I did.

Mr. FLOOD. And you heard Colonel Ahrens testify this afternoon, did you not?

General VON GERSDORFF. Yes; I did.

Mr. FLOOD. Now, directing your attention to that part of the testimony of those two officers having to do with the description of the Dnieper Castle and the area surrounding the castle, do you wish to add anything, any details, to what they said in that description?

General VON GERSDORFF. I fully agree with the statements of General Oberhaeuser and Colonel Ahrens about the Dnieper Castle, but I would like to add the following: In the vicinity of Gniezdowo, there were prehistoric Russian cairns, old prehistoric tombs in caves. They were overgrown with shrubs and heavily so. They were actually in that area, so that was the reason why, when the graves of the Polish officers were discovered, we did not call it the murders of Gniezdowo, but to distinguish it from these old prehistoric tombs of Gniezdowo, we called it the murders of Katyn, so as not to get these two things mixed up.

Mr. FLOOD. Then these graves were actually closer to Gniezdowo than they were to the village of Katyn?

General VON GERSDORFF. Yes; that is correct.

Mr. FLOOD. Who finally conferred the title of the Katyn Massacre on this thing? Did you do that?

General VON GERSDORFF. This was done by my unit with the chief of our staff agreeing to it.

Mr. FLOOD. How did you first hear the story of Katyn?

General VON GERSDORFF. My units contained a small command of military field police of about 8 to 10 men. In charge of this small police unit was the Field Police Secretary Voss. The duty of this field police unit consisted of security measures so as to guard security of the field marshal and of the staff headquarters. Therefore, I had instructed Voss to watch carefully over the surroundings of these staff headquarters so as to make sure that no strangers, that is, people who did not belong there, should enter the area.

Mr. FLOOD. Who was Voss?

General VON GERSDORFF. Voss was in charge of the small unit of military field police. He was a so-called military field police secretary, and his duties corresponded to the rank of lieutenant. Owing to his duties, Voss was in close contact with the population of the surroundings of our staff headquarters. One day Voss came to me and made the following report.

Mr. FLOOD. Just a moment.

When, if you remember?

General VON GERSDORFF. I do not recollect the exact date, but it must have been in February 1943.

Mr. FLOOD. All right, go ahead.

General VON GERSDORFF. Voss reported to me that Polish auxiliary volunteers who belonged to several infantry divisions which were marching up to the front line and who had taken up temporary quarters in Gniezdowo and the surroundings, had made inquiries on behalf of Poles in Poland for possible Polish prisoners in that area.

Mr. FLOOD. Will you mark this picture as exhibit 5?

(The document referred to was marked as "Frankfurt, Exhibit No. 5," and is as follows:)

EXHIBIT 5



Military Field Police Secretary Voss (center) talking to two other German officers.

Mr. FLOOD. I now show you exhibit 5 and ask you whether or not you can identify the German officers on that picture?

General VON GERSDORFF. Yes.

The one in the center is Military Field Police Secretary Voss. The one on the left is a lieutenant whom I recognize, but I do not recollect his name. The one on the right resembles Professor Buhtz.

Mr. FLOOD. Did you ever hear of a Lieutenant Slovenczik?

General VON GERSDORFF. I recognize the name now and I presume that he is the third man on this photograph which was just shown me. He belonged to a propaganda unit which was under the command of General Schenkendorff, commanding officer of the rear area.

Mr. FLOOD. Who was the immediate superior commander of Slovenczik at Smolensk?

General VON GERSDORFF. Major Kotts, the commanding officer of this propaganda unit.

Mr. FLOOD. Will you examine exhibit 5 again, in view of this conversation, and direct your attention to the officer you have not yet identified, and tell us whether or not that could be Slovenczik?

General VON GERSDORFF. I believe that Slovenczik is the officer on the left side of the photograph.

Mr. FLOOD. Very well. What did Voss have to say to you?

General VON GERSDORFF. Voss reported to me that Russian inhabitants of Gniezdowo had told the previously mentioned Polish auxiliary volunteers that in spring, 1940, large transports of Polish prisoners had arrived by full train-loads at Gniezdowo station. They clearly recognized them as Poles from their uniforms and also heard them speaking Polish to each other. Then, these Poles were taken away in large black prison vans from the station and they were taken to this forest which was located approximately 1 kilometer from the station and disappeared. The forest and the so-called Dnieper Castle were at that time cordoned off by guards and nobody could approach there.

Mr. FLOOD. I show you exhibit 3 and ask you if you can identify it.

General VON GERSDORFF. The picture shows the so-called Dnieper Castle where I was a visitor of Colonel Ahrens on two occasions. It was located only a few hundred meters away from the graves.

Mr. FLOOD. I show you exhibit 4 and ask you if you can identify that.

General VON GERSDORFF. Yes; I clearly recognize this picture. It shows the crossing point of the railroad line at Gniezdowo station with the highway leading from Vitebsk to Smolensk. The road at that spot has an S-shaped bend.

Mr. FLOOD. We'll offer exhibit 4.

After you cordoned off Dnieper Castle, after you had this information from Voss, whom did you report to, if anybody?

General VON GERSDORFF. I passed on this report to the 1-A; that is, the first general staff officer, and also to the chief of staff, and was instructed to investigate this matter further.

Mr. FLOOD. What is the opposite number of the German 1-A on the table of organization?

General VON GERSDORFF. I believe, G-3.

Mr. FLOOD. Go ahead.

General VON GERSDORFF. I thereupon instructed Voss to interrogate these Russian inhabitants of Gniezdowo under oath. The interrogations confirmed everything we had heard about these Polish prisoners.

Mr. FLOOD. Did you talk to any Russian peasants yourself?

General VON GERSDORFF. No; I did not talk to any because I do not know Russian, but, later on, I did speak to some of the Russian workers, with the help of an interpreter who were engaged upon the exhumation work.

Mr. FLOOD. What did you talk to them about?

General VON GERSDORFF. I merely repeated the questions that they had already been asked during the first interrogations and, in addition, asked them whether they could give me more interesting details in the matter.

Mr. FLOOD. What instructions did you get from your superiors, if any, with reference to the exhumations of these bodies?

General VON GERSDORFF. As it became clear from the interrogation of these Russian civilians that something had happened there, orders came from above, from higher quarters, to investigate this matter thoroughly and to dig in the forest. At that time, we had no idea yet that it was matter of such a dreadfully large number of dead bodies. Professor Bultz of Breslau University was put in charge of the exhumations. He belonged to the chief quartermaster's division and had to investigate any infringements of the Hague Convention.

Mr. FLOOD. Was he attached to the headquarters at Smolensk?

General VON GERSDORFF. The division of the chief quartermaster was located or billeted in the city of Smolensk proper.

Mr. FLOOD. Then I gather you were in charge in the Katyn Forest area of the exhumations in a general way?

General VON GERSDORFF. Yes; that is correct.

Mr. FLOOD. Whom did you designate in charge of security or in charge of the guard you told us about around the graves—that area?

General VON GERSDORFF. In the beginning, the previously mentioned military field police unit took up the security duty. Afterwards, a company of Polish volunteers took up guard duty and mounted guard near the graves.

Mr. FLOOD. Do you remember the name of the German officer you designated in charge?

General VON GERSDORFF. No; I do not recollect the name.

Mr. FLOOD. When did the exhumations, the diggings, start, if you remember?

General VON GERSDORFF. As far as I recollect, in March 1943.

Mr. FLOOD. Do you recall the Polish Red Cross being connected in any way with the exhumations?

General VON GERSDORFF. The Polish Red Cross was advised at once and requested to send delegates to Katyn who would supervise and arrange the exhumations. In addition, the International Red Cross in Geneva was also advised, but I presume this was done via the Foreign Office in Berlin.

Mr. FLOOD. When did the exhumations stop?

General VON GERSDORFF. The exhumations stopped in June or July at the height of the summer, and this was done on the advice of military physicians which we had there, who feared that the terrible stench of the dead bodies would have some noxious effects on the health of the men engaged in the task.

Mr. FLOOD. Did you visit the graves during the course of the exhumations between—when did you say they started?

General VON GERSDORFF. In March.

Mr. FLOOD. In March. And in the summer, when they were finished, did you visit the area?

General VON GERSDORFF. I visited the graves three or four times, possibly more often.

Mr. FLOOD. Were visiting delegations received in the area during the course of the exhumations?

General VON GERSDORFF. The Ministry of Propaganda in Berlin had very many, or a large number of commissions come to the graves to see them. I welcomed a delegation of journalists to the graves, and also a delegation of experts of judicial medicine. This latter commission consisted of members from all the countries which could be reached

from Germany at that time. Furthermore, commissions of American, British, French, and Polish prisoners of war also came to see the graves. I also saw the Archdeacon of Krakow, Dr. Yazinski.

Mr. FLOOD. Any other delegations of any kind?

General VON GERSDORFF. There was also a great number of German delegations, many of them from troop units, but also delegations that came directly from Germany.

Mr. FLOOD. Were any prisoner of war visitors received at the Katyn grave during the exhumation?

General VON GERSDORFF. Yes, in the first place, Polish officers, but they were also British and French officers, and, as far as I recollect, also several American officers.

Mr. FLOOD. Would you say that during the 4 months during which the exhumations were going on there were hundreds or thousands of visitors of all kinds received in the area?

General VON GERSDORFF. I would say, rather, thousands.

Mr. FLOOD. Did you see the bodies yourself during the exhumation?

General VON GERSDORFF. Yes; I did.

Mr. FLOOD. Will you describe for us, briefly, what you saw as the bodies were exhumed?

General VON GERSDORFF. In the first place, the mass grave was opened, which was approximately 10 meters long and 20 meters wide, and very deep. In this grave the dead bodies of the Polish officers were stacked in 12 layers on top of each other. Then later on a second grave was opened, which was not quite as large as the first one, but in that grave all the dead bodies were fettered. They had their hands tied up. It may be assumed that in that case these Polish prisoners had perhaps tried to resist at the very last moment.

Mr. FLOOD. Did you see bodies with their hands tied behind their back yourself?

General VON GERSDORFF. Yes, I did.

Mr. FLOOD. What were they tied with?

General VON GERSDORFF. As far as I recollect, it was either wire or cord, but they were tied up, fettered, in a typically Russian manner.

Mr. FLOOD. Could it have been wire in some cases and cord in others?

General VON GERSDORFF. That I do not recollect any more.

Mr. FLOOD. Will you demonstrate on the interpreter the manner in which those hands and arms were tied behind their backs, the backs of the corpses?

General VON GERSDORFF. Not exactly, but approximately.

Mr. FLOOD. Well, stand up and do the best you can, as you best recollect.

[The witness indicated.]

Mr. FLOOD. The witness demonstrates on the interpreter the crossing of the left arm and the right arm at the wrists at about the small of the back.

And they were tied in that manner; is that it?

General VON GERSDORFF. Yes.

Mr. FLOOD. In what way were they tied, as you best recollect? Will you point out?

General VON GERSDORFF. I do not remember the details. Many of the dead bodies had sacks or tunics pulled over their heads, and these sacks or tunics were tied fast around the waist.

Mr. FLOOD. You saw that yourself?

General VON GERSDORFF. Yes; I did.

Mr. FLOOD. Did you observe any of the corpses with sawdust in the mouths?

General VON GERSDORFF. Yes. I remember now that Professor Buhtz established this fact in one or a few cases.

Mr. FLOOD. Did you see the International Commission conducting post mortems or autopsies there at the grave?

General VON GERSDORFF. Yes. I welcomed them personally and also spoke to them.

Mr. FLOOD. Did you see post mortems or autopsies being performed upon the bodies of several hundred of these dead officers by German commissions by Dr. Buhtz and two other Germans?

General VON GERSDORFF. On that occasion I was not present personally, but I saw myself foreign physicians carrying out autopsies.

Mr. FLOOD. Now, the committee has a great deal of detailed evidence, scientific and from observation of scientists and laymen who visited the graves at Katyn, having to do with the depth of the graves, the surroundings, when the graves were opened, and the detailed conditions of the decomposed state of the corpses and the conditions of the uniforms, but we would like you to add, because of your important position in the area, your comments briefly on the condition of the corpses and uniforms or documents found there, if any.

General VON GERSDORFF. The dead bodies were still being held together by the uniforms, but the state of decay was already very far advanced, although the soil in which the bodies were buried was very sandy. All the corpses had at least one or two bullet holes where the bullets had left the skull, which were either in the forehead or near the eyes.

Mr. FLOOD. Will you demonstrate again on the interpreter the point of entry and the point of exit of the bullet?

(The witness indicated.)

Mr. FLOOD. The witness indicates with his finger on the interpreter the point of entry as being at about the base of the skull and the neck line, and the point of exit as being in the forehead between the hairline and the eyebrow.

General VON GERSDORFF. Almost every dead body had an amulet, or these little crosses—what do you call them?

Mr. MITCHELL. Crosses?

Mr. FLOOD. Scapular or crucifix.

General VON GERSDORFF. Scapular; yes. It was under their underwear, on their chests. Otherwise no real valuables were found on them.

Mr. FLOOD. I suppose you are aware that many Poles are Roman Catholic?

General VON GERSDORFF. I would assume that practically all of them were Roman Catholic.

Mr. FLOOD. And one of the practices of Roman Catholics is the wearing of a scapular or crucifix around the neck?

General VON GERSDORFF. Yes. These crucifixes and other items had not been removed from the dead bodies, probably, because they had been wearing them under their shirts.

Mr. FLOOD. And would only be of little value to whoever removed them?

General VON GERSDORFF. I beg your pardon?

Mr. FLOOD. And probably would be of little value to whoever was removing things from the bodies at the time?

General VON GERSDORFF. Only in the case of the dead bodies of two generals, evidently one gold cigarette case and a golden ring were found. On the other hand, a large number of documents were found on all the other bodies. These documents consisted of diaries, notebooks, and letters from their next of kin or friends. In addition to that, there were also many photographs. They also had large amounts of paper bank notes, Polish zloty, which at that time had been taken out of circulation.

Mr. FLOOD. I am sure the general is aware that the date of the burial of these bodies is so material as to be, perhaps, controlling in determining the guilt of the parties responsible for the murder.

General VON GERSDORFF. Yes; that is quite clear to me.

Mr. FLOOD. In view of that situation, or that possibility, General, do you have any observations to make with reference to the latest date found on any documents on these bodies that you are now describing?

General VON GERSDORFF. I saw very many of these documents myself—that is, the originals. The most interesting items were diaries which had been written in great detail. I remember a diary of one Polish officer who related the events as follows: He relates, at first, how they were being kept in a Russian POW camp located at Kozielsk. He further relates how, in March 1940, they were taken away in railroad cars.

When they left they had not the slightest idea as to where they were going. However, hopes were rising high when they ascertained that they were traveling in a westward direction. They could also establish that they were passing through the town of Roslavl, and that they continued in the direction of Smolensk. They wrote down in their diaries that they were now hoping to be returning to their Polish homeland. Then there were further entries that their transport trains had certainly stopped at a small station outside Smolensk. Evidently this was the station of Gniezdowo.

Mr. FLOOD. General, do you remember the name of the first station after you leave Smolensk in that direction? What is the name of the first station after you leave Smolensk?

General VON GERSDORFF. I never used the railroad in those days. I believe that the first station was Gniezdowo, but I am not certain about it.

Mr. FLOOD. Now I return to my question and I ask you again, General, with particular reference to the dates on the documents, papers, and so on, what was the latest date that you observed on any of these papers or documents?

General VON GERSDORFF. All the entries in the diaries ceased at the end of March or, at the latest, the beginning of April 1940. Likewise, the very numerous letters and postcards which were found on the dead bodies, and which came from their relatives and friends in Poland, were all dated from November-December 1939 and January 1940.

Mr. FLOOD. What was done with the documents by the Germans after they took them from the bodies?

General VON GERSDORFF. The documents had first to be treated chemically, because they were partly soaked in——

Mr. FLOOD (interposing). Body fluid?

General VON GERSDORFF. Body fluid, yes. They were then exhibited in glass cases on the porch of the building where this military field police unit was billeted.

Mr. FLOOD. Were records kept of the documents with reference to each body, if you know?

General VON GERSDORFF. Yes. Every dead body was identified, and it was entered what had been found on the body.

Mr. FLOOD. Did each body have a number?

General VON GERSDORFF. As far as I can remember; yes.

Mr. FLOOD. Did the envelope containing the documents taken from that body have a number corresponding to the number of the body from which they were taken?

General VON GERSDORFF. I presume that that was so, but I have no knowledge of these details. I would think, however, that Mr. Pfeiffer would be able to say more about these details.

Mr. FLOOD. Who is Pfeiffer?

General VON GERSDORFF. He was a member of the military police unit of Voss.

Mr. FLOOD. What did the Germans do with all the documents they had collected in the late summer of 1943 after they had closed up the grave?

General VON GERSDORFF. As far as I remember, all these items, documents, and other things were packed into chests and put on the way to Germany, but I do not know much about that.

Mr. FLOOD. Do you know a Dr. Naville, a distinguished Swiss pathologist and an authority on forensic medicine?

General VON GERSDORFF. Yes; I met Dr. Naville right at the graves in Katyn, and also sat next to him at a dinner party which was given for these international groups by the Center Army group.

Mr. FLOOD. Did you have a conversation with Dr. Naville?

General VON GERSDORFF. Yes; I had long discussions with him.

Mr. FLOOD. What language did you talk in?

General VON GERSDORFF. We spoke German and French.

Mr. FLOOD. What was the gist of the subject of the conversation?

General VON GERSDORFF. At that time I had the impression that Dr. Naville was absolutely convinced that only the Russians could have committed this crime.

Mr. FLOOD. Do you know or remember the date of the dinner given by the Germans to the visiting Commission?

General VON GERSDORFF. I do not recollect the date of the dinner, but I remember that it was on an extremely hot day.

Mr. FLOOD. Do you know a Professor Markhov, the Bulgarian member of the Commission?

General VON GERSDORFF. I remember Dr. Markhov, and I also remember that he was the Bulgarian member of this Commission.

Mr. FLOOD. Was he at Dnieper?

General VON GERSDORFF. Yes; he was.

Mr. FLOOD. Did you have a conversation with him?

General VON GERSDORFF. Yes; I also had a conversation with him.

Mr. FLOOD. In what language?

General VON GERSDORFF. There were very many representatives of Slav nations and I do not quite recollect, but I believe that Dr. Markhov knew some German or French.

Mr. FLOOD. What did Markhov have to say, if anything?

General VON GERSDORFF. I do not recollect the details of our conversation, but I recollect this much, that Dr. Markhov, too, was firmly convinced that the Russians were responsible for this crime.

Mr. FLOOD. You will be interested to know that on the 5th of March, in Sofia, Professor Markhov outlined his experiences as a member of the German International Medical Commission. He says that he had been forcibly included in the Commission, that he had been completely isolated from the local population while at Katyn; he recants any statement he made, and says the Germans did the killing. What do you have to say about that?

General VON GERSDORFF. How far single members of the Commission had come of their own free will or otherwise I am not in a position to say, but I could hardly imagine that the Swiss representative would have come against his will. In Smolensk itself, from the moment of the arrival of the Commission, I can confirm that the gentlemen of this Commission had any liberty they could wish for to move and do what they liked. They were permitted to talk to anyone, Russian or no Russian, that they wanted to talk to. They could go wherever they wanted to go, and they could engage in any activity that they felt like engaging in.

Mr. FLOOD. Did you receive or give any orders which would in any way have curtailed the activity of the International Commission of Scientists at Katyn, or any of its individual members?

General VON GERSDORFF. No. On the contrary, I issued special orders that the free movement and liberty of these gentlemen should be safeguarded at all costs and that they should be given the opportunity of going where they wanted to go and doing what they wanted to do without any hindrance, and that they should even be assisted.

As an example, I recollect that some of these international delegates left the graves and drove back to Smolensk earlier than others. They were probably tired or something, and went back earlier, while others still remained longer at the graves and carried on their investigations.

Mr. FLOOD. Professor Markhov, separate and distinct from any writing that he made or any protocol that he may have signed about the investigation in addition, at the dinner party, told you, in a social conversation, that he felt that the crime at Katyn had been committed by the Russians, is that it?

General VON GERSDORFF. As far as I recollect, Dr. Markhov was sitting at my left side during the dinner, and we did actually discuss this matter, and Dr. Markhov confirmed to me that in his opinion the Russians had committed the crime.

Mr. FLOOD. I now hand to the stenographer, to be marked as "Exhibits 7, 8, 9, and 10," four photographs.

(Due to incorrect numbering, there is no exhibit 6.)

(The photographs referred to above were marked "Frankfurt Exhibits 7, 8, 9, and 10," and are shown on pp. 1315-1317.)

Mr. FLOOD. I now show the witness exhibit No. 7 and ask him whether or not he can identify any of the three persons shown thereon

examining one of the corpses, two in military uniform, and the third person in civilian clothes.

First, who is the civilian, if you know?

General VON GERSDORFF. I clearly recollect the civilian. That was a Hungarian, Professor Orsos, who was a member of the International Delegation.

Mr. FLOOD. How do you spell Orsos?

General VON GERSDORFF. O-r-s-o-s. As far as I remember, the man in uniform is the Finnish delegate. The third man in uniform appears to be a medical corps soldier who is just busy typing out the report which Professor Orsos, who knew German very well, was dictating.

Mr. FLOOD. We will offer exhibit No. 7 in evidence.

(Exhibit 7 is as follows:)

EXHIBIT 7



Professor Orsos of Hungary examining corpse at German exhumation.

Mr. FLOOD. I now show you exhibit No. 8, which depicts a group of two or three dozen civilians talking to a German officer in uniform. Who was the officer, if you know, and can you identify the nature of the group of civilians?

General VON GERSDORFF. The officer is the lieutenant of this propaganda unit, with a Polish name, and the civilians of the picture, as far as I remember, are members of a delegation of journalists from neutral and other countries.

Mr. Flood. We will offer exhibit No. 8 in evidence.
(Exhibit 8 is as follows:)

EXHIBIT 8

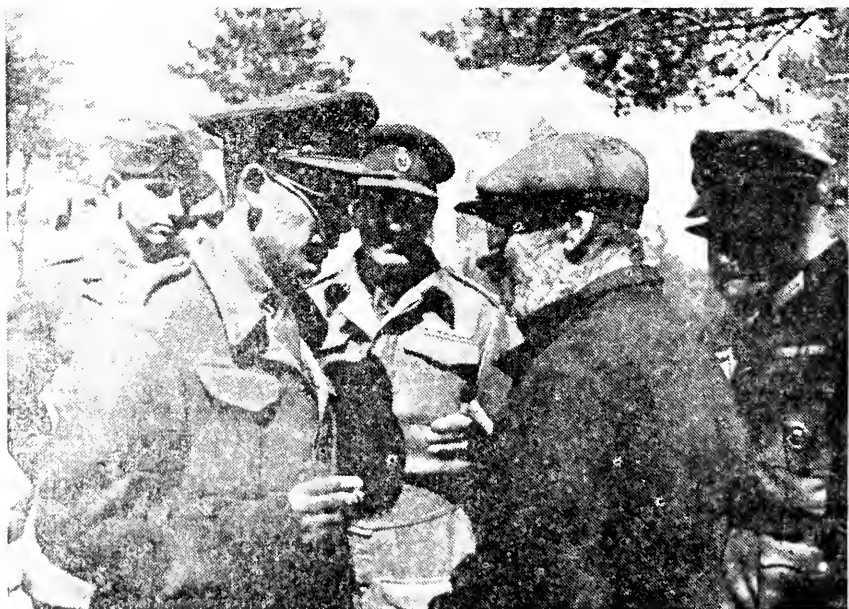


German officer discussing Katyn with delegation of journalists.

I now show the witness exhibit No. 9 and ask him if he can identify the military uniforms present, what countries they represent, and the civilian, if he can.

(Exhibit 9 is as follows:)

EXHIBIT 9



American and British prisoners of war talking to a Russian native.

General VON GERSDORFF. The officers are American and British prisoners of war. The officer in the center is a British major, who had declared himself to be the leader of his delegation, or the chief of the delegation. When he arrived he told us that he alone would comment on the whole matter, and that the other officers present did not wish to make any comments. The civilian is a Russian worker, an inhabitant of Guiezdowo, who was working on the exhumations, and, as far as I recollect, also made statements about the murder having happened, and upon his statements investigations were started and the graves were discovered.

Mr. FLOOD. Do you know or recall, General, whether or not the visiting American and British officer POW's were permitted to talk to those Russians without German interference?

General VON GERSDORFF. This would have been quite possible, they could have talked to the Russian civilians because these officers were absolutely free, there were not even guards with them. But, in any case, such a conversation with the Russian civilians would have depended upon the presence of an interpreter, in view of the fact that the officers did not know Russian.

Mr. FLOOD. General, you may be interested to know that the two American officers, now colonels, have already testified before this committee and have said they were permitted to talk to the Russians present without interference from the Germans.

I now show the witness exhibit No. 10 and ask him whether or not he can identify the persons on that picture.

(Exhibit No. 10 is as follows:)

EXHIBIT No. 10



Russian worker with Polish Red Cross Director Skarzynski and others.

General VON GERSDORFF. I recognize, on this picture, the Polish Archdeacon Yazinski in his ecclesiastical garb; and the tall civilian I do not remember. In the foreground there is one of the Russian workers, and at the far right of the picture the head of Voss is visible.

Mr. FLOOD. General, do you recall a visit by the executive secretary or director of the Polish Red Cross from Warsaw named Skarzynski?

General VON GERSDORFF. No; I do not recollect this visit, because I was away very often on inspection and had to go around a lot.

Chairman MADDEN. Do you have any questions, Mr. Dondero?

Mr. DONDERO. I have one question.

General, you testified that you noticed that the bodies in one of the graves had their hands tied behind them, either with wire or with cord. Was that cord round or flat?

General VON GERSDORFF. I do not quite recollect that, but I believe that they were flat.

Mr. DONDERO. You might be interested to know that the record already shows that a part of that cord has been presented to this committee and received in evidence. It was flat.

Chairman MADDEN. Are there any further questions?

General, you read the Russian report, did you not, regarding the Russian investigation?

General VON GERSDORFF. I did not read this report very carefully; I just went through it quickly. But I know more or less what it contained.

Chairman MADDEN. Were you present in the room this afternoon when several members of the committee asked the preceding witnesses regarding certain phases of the Russian report?

General VON GERSDORFF. Yes; I was present.

Chairman MADDEN. What comment would you have to make regarding some of the conclusions reached in the Russian report?

General VON GERSDORFF. It appears to me quite impossible that, as from the date of the German occupation of that territory or of that area, a crime of such magnitude could have been committed in the immediate vicinity of the main supply road of the army group, and likewise, in the immediate vicinity of the army group proper. This highway carried an extremely heavy supply traffic day and night. And even in the case of SS troops or some other unit carrying out such an action, it would at all events have come to our knowledge.

Apart from the previously stated facts, the documents recovered from the bodies, the expert advice given by physicians is so convincing that there should not be any doubt as to who committed the crime.

Chairman MADDEN. General, would you have anything else that you would like to add to what you have already said?

General VON GERSDORFF. I have no more to say.

Chairman MADDEN. We wish to thank you for testifying here today.

Mr. Albert Pfeiffer.

TESTIMONY OF ALBERT PFEIFFER, BEHAMPTSTRASSE, MUNICH,
GERMANY

Chairman MADDEN. Just give the interpreter your name.

Mr. PFEIFFER. Albert Pfeiffer.

Chairman MADDEN. And your address.

Mr. PFEIFFER. Munich; Behamptstrasse.

Mr. MADDEN. Mr. Pfeiffer, I will read a statement to you.

Before you testify, it is our wish to invite your attention to the fact that, under German law, you will not be liable for slander or libel, either in criminal or civil proceedings, for anything that you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Do you understand that?

Mr. PFEIFFER. I understand.

Chairman MADDEN. Now will you just stand and be sworn?

Do you swear, by God the Almighty, that you will, according to your best knowledge, tell the truth, the whole truth, and nothing but the truth; so help you God?

Mr. PFEIFFER. I swear, so help me God.

Mr. FLOOD. Will you state your name?

Mr. PFEIFFER. Albert Pfeiffer.

Mr. FLOOD. Were you ever a member of the German armed forces?

Mr. PFEIFFER. Yes; I was.

Mr. FLOOD. Were you ever serving in that capacity on the eastern or Russian front?

Mr. PFEIFFER. Yes.

Mr. FLOOD. When did you arrive in the Smolensk area?

Mr. PFEIFFER. At the end of October or at the beginning of November 1942.

Mr. FLOOD. Did you ever hear of Lieutenant Voss?

Mr. PFEIFFER. Yes; I did.

Mr. FLOOD. Were you with his unit?

Mr. PFEIFFER. Yes; for 2 years.

Mr. FLOOD. What were the duties of the unit and what were your duties in it?

Mr. PFEIFFER. The unit had security duties in the vicinity or the surroundings of the staff headquarters of the center army group and to watch over the civilians in that area, and they also had the care of the civilians who were working in the different German units and agencies.

Mr. FLOOD. What do you mean by "watch over" the civilians in the area?

Mr. PFEIFFER. Our activities were confined to patrolling the near vicinity of the staff headquarters and see that no strangers would come into this area; that those people who lived there and who had been registered were actually there.

Mr. FLOOD. How many men were in Lieutenant Voss' unit?

Mr. PFEIFFER. Our unit had been split up into two halves. The one to which I belonged was in Gluschtschenki. We numbered five and the others that went to Gniezdowo numbered from five to seven.

Mr. FLOOD. Do you speak Russian?

Mr. PFEIFFER. Yes. I was employed as an interpreter.

Mr. FLOOD. Did you have any conversations with any of the Russians in the area of Katyn?

Mr. PFEIFFER. Yes; with the civilians of Gluschtschenki and the near vicinity of the staff headquarters, but not with those of Katyn because I only went to Katyn once.

Mr. FLOOD. When did you first hear about Katyn?

Mr. PFEIFFER. The first time I heard anything about Katyn was in February 1943 when I was confined to the infirmary.

Mr. FLOOD. Where?

Mr. PFEIFFER. The infirmary was with the staff headquarters. My buddy, Roeske, who was also an interpreter, came to me and told me that investigations would have to be made after some Poles who had disappeared.

Mr. FLOOD. Were you identified with the exhumations in any way?

Mr. PFEIFFER. Yes; from the very first day.

Mr. FLOOD. What was your assignment, and who assigned you to it?

Mr. PFEIFFER. I had been detailed for this duty by Lieutenant Voss in the capacity of interpreter, and it was my duty to explain to the Russian civilian workers, who had been brought to that spot, to explain to them what kind of work they had to do there and that now they had to go about the exhumation.

Mr. FLOOD. Were you there the first day that the digging started? Were you present when the first work was begun?

Mr. PFEIFFER. Yes; when the first spade entered the ground I was present.

Mr. FLOOD. Had you ever been in that immediate vicinity at any other time before that first day?

Mr. PFEIFFER. Not in the area.

Mr. FLOOD. Will you describe the appearance of the grave and its immediate surroundings within a very few feet before the first spade was put into the ground?

Mr. PFEIFFER. It was a clearing in the forest, and the mound of earth was up to a height of 3 feet, overgrown with small fir trees and heather and bushes and scrub.

Mr. FLOOD. Indicate with your hands, from the floor, the height of the trees you saw on this mound or grave the first day you appeared there, when the excavations began.

(The witness indicated a height from the floor.)

Mr. FLOOD. The witness indicates about—what; 3½ feet?

Mr. PFEIFFER. The largest were about that size [indicating].

Mr. FLOOD. The witness indicates from the floor a height of 3½ feet. Were these small trees all over the mound of earth?

Mr. PFEIFFER. They were scattered. You could clearly see that they had not been planted according to any plan and they were not numerous.

Mr. FLOOD. Were they removed before the digging began?

Mr. PFEIFFER. That was the first job.

Mr. FLOOD. I now show the witness exhibit No. 5 and ask him if he can identify the officers on that exhibit?

Mr. PFEIFFER. I know two of them. On the left side is First Lieutenant Slovenczik and in the middle is Field Police Secretary Voss, my superior; my commander.

Mr. FLOOD. Have the stenographer mark this next photograph as exhibit 11.

(The photograph referred to was marked "Exhibit 11" and is shown on p. 1325.)

Mr. FLOOD. I now show the witness marked for identification Exhibit No. 11 and ask him whether or not he can identify the people on that photograph; I just want him to tell me how many of that group were on Lieutenant Voss' squad.

Mr. PFEIFFER. Among this group were some that belonged to the unit of Lieutenant Voss.

Mr. FLOOD. What are their names?

Mr. PFEIFFER. The one, I do not want to name because I know that he would object. The second one is Pfc. or Corp. Karl Nikolatz, our driver, and in front, sitting on the ground, myself.

Mr. FLOOD. Who is the female in the picture?

Mr. PFEIFFER. Mrs. Irina Erhardt.

Mr. FLOOD. What was her duty?

Mr. PFEIFFER. She had to translate the documents and diaries found on the dead bodies because she knew Polish well.

Mr. FLOOD. I will ask the stenographer to mark for identification exhibit No. 12, which is another photograph.

(The photograph referred to was marked "Exhibit 12" for identification and is shown on p. 1325.)

Mr. FLOOD. I now show the witness marked for identification Exhibit No. 12, a photograph, and ask him whether or not that properly depicts the grave site and the grave after the trees had been removed and just as the first digging commenced?

Mr. PFEIFFER. The picture could, of course, have been taken anywhere. I do recognize people wearing clothes as they usually wear them in Russia.

In view of the fact that the picture only shows a very small area, I am not in a position to say that it is actually one of the Katyn graves: but the character of the place looks very much like the site of the graves at Katyn.

Mr. FLOOD. How far down, after the digging commenced, did they go before they struck the first bodies; how many meters?

Mr. PFEIFFER. Two-and-a-half meters.

Mr. FLOOD. How many graves were opened during the period of time that you were there?

Mr. PFEIFFER. I do not recollect the exact number of graves, but I do recollect exactly three graves.

Mr. FLOOD. What were your duties after the graves had been opened and the bodies had been removed?

Mr. PFEIFFER. I had to go through the pockets of the clothes of the dead bodies and to remove the items found in them and had to identify the dead bodies from the documents found on them.

Mr. FLOOD. How long did you work at that job?

Mr. PFEIFFER. Right to the end of the exhumations.

Mr. FLOOD. When was that?

Mr. PFEIFFER. It was approximately in the beginning of June. It may have been even at the end of May, but, at any rate, it was not later than the 11th of June.

Mr. FLOOD. Can you give us the exact date, the day and month and year, when the exhumations began?

Mr. PFEIFFER. Not the day.

Mr. FLOOD. How close can you come?

Mr. PFEIFFER. The second half of March 1943.

Mr. FLOOD. Were any visitors or visiting delegations of personages received at the Katyn grave area during any period of time that you were working there?

Mr. PFEIFFER. Yes. There were commissions; among others, one of them, officers who were prisoners of war, British, French, and Polish; then the Commission of International Physicians, either from neutral countries or countries fighting on the side of the Germans, and then a very large number of Russian civilians and German soldiers.

Mr. FLOOD. After the first days, where did you do your work on the documents?

Mr. PFEIFFER. In the hut which was built onto a Russian house, in the village or in the hamlet of Gluschtschenki, where I was billeted. It was about 20 meters away from the place where I was actually billeted.

Mr. FLOOD. Wait a minute. You had better spell that for the record.

Mr. PFEIFFER. G-l-u-s-c-h-t-s-c-h-e-n-k-i.

Mr. FLOOD. What was the nature of your work with the documents at this hut?

Mr. PFEIFFER. I took the documents out of their envelopes and dictated to a mate every item I discovered, and attempted to establish the name of the individual, usually on the strength of the pay books which I had discovered.

Mr. FLOOD. What procedure did you use for preserving the documents?

Mr. PFEIFFER. No procedure.

Mr. FLOOD. Did you separate them? Did you put them all in one pile? Did you keep them in relationship to one name? What did you do?

Mr. PFEIFFER. The documents were put back into their own envelopes and numbers put on them, and the identical number that was on the dead body was put on the envelope, and then, all the envelopes with the numbers on them were put into a large chest and stored away, and certain documents and items were picked out and I exhibited them outside of this hut.

Mr. FLOOD. Do you know what disposition was made by the Germans at the end of the exhumations in the summer? Where did the chests of documents go, if you know?

Mr. PFEIFFER. It was said that they would be taken to Krakow so as to distribute them among the next of kin and the relatives of the murdered men.

Mr. FLOOD. How many chests of documents were there?

Mr. PFEIFFER. I estimate four. I do not know exactly, but I estimate four.

Mr. FLOOD. Did you make a close examination of the documents of various kinds that came to your hut?

Mr. PFEIFFER. Yes; certainly; I did examine them very carefully.

Mr. FLOOD. Was there anything significant with reference to any of the documents that came to your attention, especially?

Mr. PFEIFFER. The one significant fact that struck me was that these documents were comparatively in a very good state of preservation and the most interesting part of the documents found were the diaries.

Mr. FLOOD. Do you have any comment to make with reference to the dates on any of the documents?

Mr. PFEIFFER. Yes. The letters and post cards and also some newspapers found on the dead bodies all carried dates and the dates never went beyond April 1940.

Mr. FLOOD. I now have the reporter mark for identification exhibit 13, a photograph; exhibit 14, a photograph; exhibit 15, a photograph; and exhibit 16, also a photograph.

(The documents referred to were marked: "Frankfurt Exhibit No. 13," "Frankfurt Exhibit No. 14," "Frankfurt Exhibit No. 15," "Frankfurt Exhibit No. 16.")

Mr. FLOOD. I show you exhibit 13 and ask you if you can identify the photograph.

Mr. PFEIFFER. Those were our billets.

Mr. FLOOD. Where?

Mr. PFEIFFER. Gluschtschenki, opposite the headquarters of the field marshal.

Mr. FLOOD. Is that near Katyn?

Mr. PFEIFFER. Half-way between Smolensk and Katyn.

Mr. FLOOD. I now show you exhibit 14 and ask you if you can identify that.

Mr. PFEIFFER. That's the large grave, the mass grave after the end of the exhumations and after we had reburied the dead bodies and rearranged the burial place.

Mr. FLOOD. I would like to ask you this: The Soviet statement indicates that when the Soviet began the exhumations of their commission there was only one grave. Will you tell us how many graves were there, in number, at the time the Germans finished the exhumations and the Polish Red Cross reburied the bodies in the summer of 1943—approximately?

Mr. PFEIFFER. I only recollect three graves, but I know that we were talking about more graves.

Mr. FLOOD. The photograph, exhibit 14, that I now show you shows how many graves and how many crosses?

Mr. PFEIFFER. I want to apologize. I believe that you are meaning something different than what I mean; that we are mixing up the old graves and the new graves.

Mr. FLOOD. Then, let's go back.

What I mean is this: The Polish Red Cross, it was just testified to by the general, participated in the exhumations and the burials, do you recall that?

Mr. PFEIFFER. Yes. Two Poles worked with me on the identification of the bodies all the time, too.

Mr. FLOOD. The Polish Red Cross and the Germans worked together on the exhumations and the reburials?

Mr. PFEIFFER. Yes.

Mr. FLOOD. And after all the exhumations had been completed and after all the reburying had been done, how many graves were there then shown?

Mr. PFEIFFER. After that period, there were the old open graves left and the new ones, but I do not recollect the number of the new ones.

Mr. FLOOD. I mean just the new ones. Do you remember the number of the new ones?

Mr. PFEIFFER. No; I cannot.

Mr. FLOOD. Well, at least three or four are showing on exhibit 14 that I just showed you.

Mr. PFEIFFER. I was there once more in September, 1943, but, in spite of that, I am unable to give the exact number of graves.

Mr. FLOOD. You will be interested in knowing that the vice president of the Polish Red Cross, who was there and did this work, was before this committee and testified that when the Polish Red Cross finished the work there were seven graves.

Mr. PFEIFFER. That is quite possible. I recollect that Voss had been deliberating whether to bury all the dead bodies discovered there in one huge mass grave or whether to make several smaller graves, and then it was decided for reasons of piety, to make several graves.

Mr. FLOOD. It is of interest to the committee in view of the fact that the Soviet report states that when they came to Katyn to open the mass grave there was only one grave there.

I now show you Exhibit 15 and ask if you can identify that.

Mr. PFEIFFER. Yes. This is a photostat of the first page of a Polish pay book as we found them by the thousands, and I do not recall the name but there were chaplains, one or several chaplains, among the dead. It is the typical first page of a Polish pay book and there were thousands of them.

Mr. FLOOD. I now offer the reporter to be marked "Exhibit 17."

(The above-described document was marked: "Frankfurt exhibit No. 17.")

Mr. FLOOD. Are you aware that the bodies of two Polish general officers were discovered at Katyn? Did you ever hear of that?

Mr. PFEIFFER. Yes; right in the beginning.

Mr. FLOOD. Did you ever hear that the Polish Red Cross, when the reburials were being made, buried the two generals each in a separate grave marked by a separate smaller cross?

Mr. PFEIFFER. Now that you mention it, I recall that very clearly. Before, I did not.

Mr. FLOOD. I now show you exhibit 17 and ask you whether or not this picture shows six white crosses on six newly made graves with one large grave in the front with a cross and two small crosses on two separate smaller graves?

Mr. PFEIFFER. I recognize the burying place with the graves and the two small crosses indicate the new graves of the two Polish generals.

Mr. FLOOD. We are describing the reburial of the bodies discovered at Katyn—these are the newly reburied graves, is that it?

Mr. PFEIFFER. Exactly.

Mr. FLOOD. I now show you exhibit 16 and ask you if you can identify the people shown on that picture.

Mr. PFEIFFER. On this picture I only recognize Voss and the exhibits which I put out in front of this so-called hut.

Mr. FLOOD. I now offer in evidence exhibits 11 to 17, inclusive. That's all.

(Exhibits 11 to 17, inclusive, are as follows:)

EXHIBIT 11



Group of German soldiers, members of exhumation and identification squad at Katyn.

EXHIBIT 12



Site of mass graves before exhumations.

EXHIBIT 13



Quarters of German soldiers near Katyn.

EXHIBIT 14



Dedicated graves of reburied Katyn victims.

EXHIBIT 15

DOKŁAD
KORPUSU OCHRONY POGRANICZA
(formacja K. O. P.)

Nr. 1634

St. kapelan

Ksiądz ZIÓBKOWSKI Jan I.

na podstawie rozkazu Nr. 44/32 jest upraw-
niony (tj) do uszczenia odznaki Korpusu Ochrony
Pogranicza.

M. P. WARSZAWA

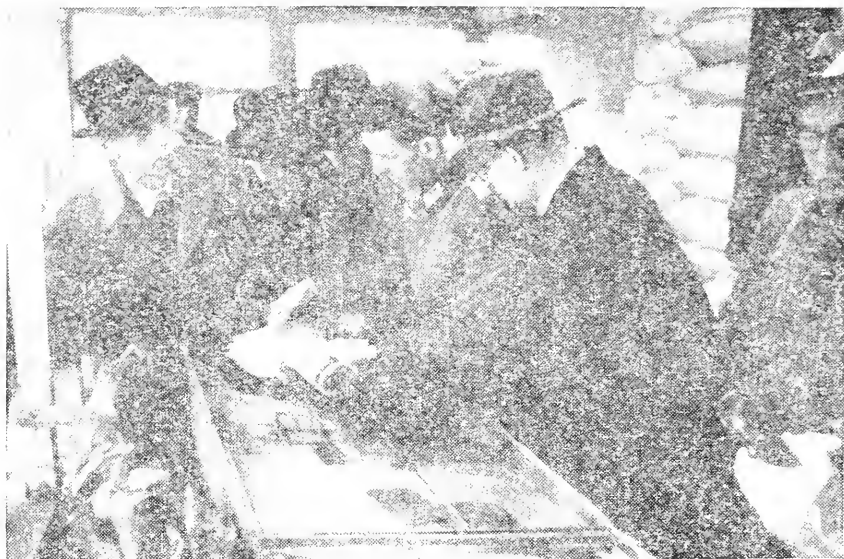
data 11 listopada 1932
SZER. SETERU

Pieczec
okręgu

K. O. P.

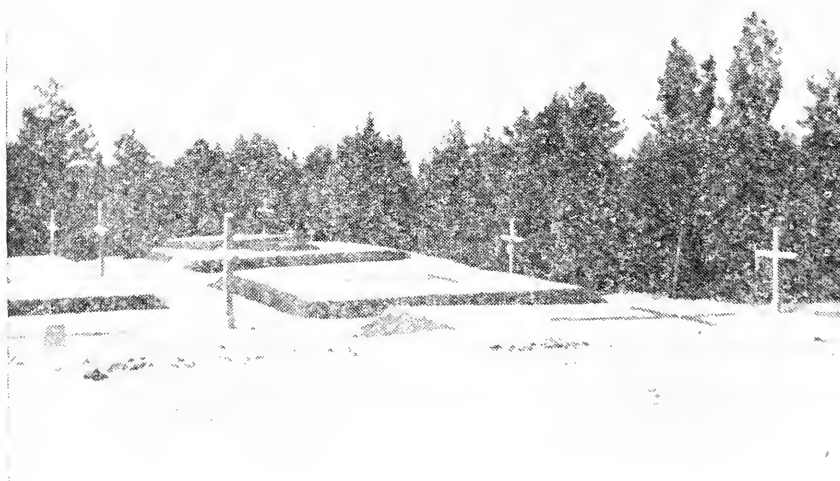
Page of a Polish officer's pay book.

EXHIBIT 16



Lieutenant Voss showing possessions of victims.

EXHIBIT 17



Reburial place for Polish murdered.

Mr. DONDERO. One question: When you reburied these bodies, did you rebury them right where you found them or did you move them away?

Mr. PFEIFFER. We reburied the dead bodies in a different spot which was about 100 meters away from the original place where we found them, in the direction of the highway that was coming from Katyn.

Mr. DONDERO. That's all.

Mr. O'Konski. Will you tell the committee how many Russian workers were used in this exhumation proceedings that you carried on?

Mr. Pfeiffer. I am only in a position to give the exact number of the first day when we started. That was 30 Russian peasants from the surroundings.

Mr. O'Konski. Will you tell the committee if ever as many as 500 Russians were used for that purpose?

Mr. Pfeiffer. That is absolutely out of the question. Never simultaneously.

Mr. O'Konski. The reason why I state that is that in the Russian report they state that 500 Russians were used for that purpose and they were all shot by the Germans after they completed their work. What comment do you have on that?

Mr. Pfeiffer. It is possible that over the whole period of exhuming the bodies 500 workers were used successively, but never at one time, and that these 500 workers were shot, I do not believe and it is nonsense.

Mr. O'Konski. Will you tell the committee if any bodies of Polish women soldiers were found in the graves of the bodies you exhumed.

Mr. Pfeiffer. No. Exclusively officers, ranking from lieutenant up to general.

Mr. O'Konski. What was the total number of bodies that was exhumed from the graves at Katyn?

Mr. Pfeiffer. I ought to be able to give you the exact figure because I actually numbered all the exhumed bodies and put the same number on the documents, but I do not, at this time, recollect the exact number, but I am certain it was between 4,500 and 5,000.

Mr. O'Konski. That is all I have, Mr. Chairman.

Chairman MADDEN. One question: Did you notice in these papers that you removed from the bodies medical certificates like vaccination or inoculations for typhus?

Mr. Pfeiffer. Yes; I did find such medical certificates.

Chairman MADDEN. That's all.

Have you anything further you would like to say?

Mr. Pfeiffer. No.

Chairman MADDEN. We wish to thank you for your testimony here today. You are excused.

I might say that the hour is getting late, but the committee has a schedule we have to follow and there is one more witness to proceed with this evening.

Mr. Paul Vogelpoth.

TESTIMONY OF PAUL VOGELPOTH (THROUGH THE INTERPRETER ECKHARDT VON HAHN)

Chairman MADDEN. Mr. Vogelpoth, before you testify, it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with

respect to libel or slander proceedings which may arise as the result of your testimony.

Mr. VOGELPOTH. Yes.

Chairman MADDEN. You will be sworn.

Do you swear by God the Almighty, that you will, according to your best knowledge, tell the pure truth, the whole truth, and nothing but the truth, so help you God?

Mr. VOGELPOTH. I swear, so help me God.

Mr. FLOOD. What is your full name?

Mr. VOGELPOTH. Paul Vogelpoth.

Mr. FLOOD. What is your present occupation?

Mr. VOGELPOTH. Editor.

Mr. FLOOD. Of what paper and where?

Mr. VOGELPOTH. Mittag, Duesseldorf.

Mr. FLOOD. Were you ever a member of the German armed forces?

Mr. VOGELPOTH. Yes.

Mr. FLOOD. Did you ever serve with the German armed forces in the Smolensk area on the Russian front?

Mr. VOGELPOTH. Yes, I did.

Mr. FLOOD. Were you there in March and April to the summer of 1943?

Mr. VOGELPOTH. Yes, I was.

Mr. FLOOD. With what unit were you identified?

Mr. VOGELPOTH. Propaganda unit W.

Mr. FLOOD. Stationed where?

Mr. VOGELPOTH. Smolensk.

Mr. FLOOD. When did you first come to the Smolensk area?

Mr. VOGELPOTH. In the middle of February 1942.

Mr. FLOOD. When did the massacres of the Katyn Forest first come to your attention?

Mr. VOGELPOTH. As far as I recollect, in the middle of March 1943.

Mr. FLOOD. In what manner were these first brought to your attention?

Mr. VOGELPOTH. I learned of it through my fellow officer, First Lieutenant Slovenczik, Gregor Slovenczik.

Mr. FLOOD. Were you assigned to any special duties in the area of the graves at Katyn?

Mr. VOGELPOTH. Yes. At the end of March 1943, when the big rush or influx of people started, many people started coming to the graves. I was detailed to Katyn Forest to put some order into the whole thing. It was about the 25th of March 1943.

Mr. FLOOD. Would you say that you had charge of the security arrangements in the area of the graves?

Mr. VOGELPOTH. Yes, I could say that.

Mr. FLOOD. Will you just detail for us the nature of your duties? What did you do, whom did you have charge of, and how long did you do it?

Mr. VOGELPOTH. My duty extended from 9 in the morning to 6 at night in the forest of Katyn every day. I had the task of selecting groups of 150 to 200 people from the very large numbers of soldiers and civilians—everyone was coming to the forest to see the graves—and of taking these groups to the graves.

Mr. FLOOD. During the time that you were there, would you say that hundreds or rather thousands had visited the graves?

Mr. VOGELPOTH. I estimate about 200,000 all together, from the end of March right through April, May, and June, to the end of June.

Mr. FLOOD. Were there any special groups of any significance that visited the area during the time that you were there?

Mr. VOGELPOTH. Yes, all the delegations. The delegations, however, were managed by Slovinczik and Voss. I had nothing to do with them.

Mr. FLOOD. What kind of delegations?

Mr. VOGELPOTH. There were delegations consisting of officers, prisoners of war, French, American, British, and Poles, and also the Spaniards of the so-called Blue Division.

Mr. FLOOD. Any other delegations of any particular kind of work or effort or business?

Mr. VOGELPOTH. Yes, there were other delegations, such as the delegation of prominent international medical men, and then a commission of experts of judicial medicine, commissions of authors, of artists, and there were also commissions sent there by the ministry of propaganda.

Mr. FLOOD. As a former journalist, do you remember seeing any delegations of journalists?

Mr. VOGELPOTH. Yes, we had a delegation of journalists there.

Mr. FLOOD. What were your particular duties, witness, with reference to these visitors, delegations, or groups?

Mr. VOGELPOTH. Generally speaking, I had nothing to do with all these delegations, with the exception of the delegation of journalists and of authors. Those two delegations I took over the graves and over the areas.

Mr. FLOOD. Did you volunteer, or was it part of your job to explain if anybody asked any questions as to what this was all about?

Mr. VOGELPOTH. Yes, it was part of my duty to give explanations to them and to answer any question they put to me.

Mr. FLOOD. Then you acted as a sort of guide and informer in the area during the visits?

Mr. VOGELPOTH. Yes, that is correct.

Mr. FLOOD. What was Slovinczik?

Mr. VOGELPOTH. He was a first lieutenant in the propaganda detail W, and he was assigned to this post right at the beginning, just a few days after Voss had been detailed to the Katyn Forest.

Mr. FLOOD. Why, if you know, witness?

Mr. VOGELPOTH. He was an exceptionally good talker, orator, and—well, he knew his way about very well.

Mr. FLOOD. He was a narrator and a good talker. Did he act as a guide for these groups as well?

Mr. VOGELPOTH. Yes, he did, with the delegations, not with the many visitors coming there on their own, like soldiers and civilians, but expressly for the delegations and commissions.

Mr. FLOOD. I now show the witness exhibit No. 5 and ask him if he can identify any of the officers on that exhibit.

Mr. VOGELPOTH. On the left is Slovinczik; in the center is Voss; and on the right-hand side—I don't know him, I do not believe that it is Dr. Buhtz.

Mr. FLOOD. I now show the witness exhibit No. 8 and ask him if he can identify the German officer in uniform and the group of civilians.

Mr. VOGELPOTH. Slovinczik is on the left. In the light overcoat is the rather well known German author, Luetzendorf. And one of the other gentlemen in this picture is sitting among the audience here, but I don't know who he is, and he does not want to be mentioned.

Mr. FLOOD. I now show the witness exhibit No. 12 (see p. 1325) and ask him if he can identify that picture.

Mr. VOGELPOTH. That is the beginning of the exhumation in the middle of March. That is the largest grave that was found and opened.

Mr. FLOOD. Have the stenographer mark, as exhibit No. 19, this picture, and exhibit No. 20, the next one.

(Due to incorrect numbering, there is no exhibit 18.)

(The photographs referred to were marked Frankfurt Exhibits Nos. 19 and 20, and are shown below.)

EXHIBIT 19



German officer, Lieutenant Vogelpoth (witness at German hearings), inspecting growth of grass.

EXHIBIT 20



Delegation inspecting group of corpses.

Mr. FLOOD. I now show the witness exhibit No. 20 and ask him if he can identify anybody on that picture.

Mr. VOGELPOTH. On the left, Slovenzik. The man in the black overcoat was a former Polish minister-president, who was killed in an air raid in Berlin in 1944, but the name is unknown to me.

Mr. FLOOD. I now show the witness exhibit No. 19 and ask him if he can identify the person on that picture.

Mr. VOGELPOTH. That is myself.

Mr. FLOOD. What were you doing at the time that picture was taken?

Mr. VOGELPOTH. We were investigating the growth of the grass and of the trees, not as experts.

Mr. FLOOD. That is all.

Chairman MADDEN. Any further questions.

Mr. O'KONSKI. I would like to ask a question.

Chairman MADDEN. Congressman O'Konski.

Mr. O'KONSKI. If they exhumed something like 250 bodies, in round figures, why did the propaganda ministry, or whoever had charge of propaganda, continue to say that there were 11,000 or 12,000 or 15,000 bodies found in Katyn?

Mr. VOGELPOTH. We knew from the Poles, who had told us that between 12,000 and 13,000 Polish officers were missing, and we assumed that all of them were lying buried in the forest of Katyn. The figure of 11,000 was mentioned at the time when the reburial was still carried out. It had not been complete. It is definitely established that the forest of Katyn contained more dead bodies of Polish officers than the 4,250 which were actually found, because, right at the beginning of June, we discovered a new grave of Polish officers, but we just only opened it a bit and had to close it again, because it was getting so hot at that time of the year that we were afraid of epidemics and we would not take the risk, and this grave has never been opened. And this new grave, which we just opened in one spot and closed up again without investigating it, was located about 200 meters between the so-called Korzy Gory—that is, it was located between these hills and the Dnieper Castle. Not near the low part, inside the forest, in the direction leading toward Dnieper Castle.

Mr. O'KONSKI. In other words, they used the figure in their propaganda of 11,000 because they felt that if they had an opportunity to dig up all of the graves they might find 11,000 bodies there, because they heard a report that there were that many Polish officers missing, is that correct?

Mr. VOGELPOTH. The figure of 11,000 originated from my unit. They were asked by Berlin to name a figure or an estimate, and they actually named 11,000, that is, my unit, but later on they found out that they had erred, it could not be correct. As it is, the Katyn Forest only holds the bodies of the Polish officers who came from the camp of Kozielsk, but not those of the other two camps. Later on we learned that apart from the camp of Kozielsk there were another two very large camps of Polish officers.

Mr. FLOOD. May I say that that last statement has some significance in view of the fact that at the other two camps referred to by the witness, the one, Starobielsk, and the third, Ostohkov, contained as

prisoners, both military and civilian, unaccounted for to date, in the neighborhood of 6 to 8 thousand Poles. The 6 to 8 thousand from the other two camps of Starobielsk and Ostoshkov have not been heard from to this day and their bodies have never been discovered.

Chairman MADDEN. Is there anything further you would like to say?

Mr. VOGELPOTH. The previous witness was questioned as to the exact number of graves. I am in a position to give you the exact number of graves.

Chairman MADDEN. We will be glad to have it.

Mr. VOGELPOTH. There were four old graves and a fifth one, which we discovered later in the forest, and new graves. They laid out four large ones and two smaller, single, ones, six all together.

Chairman MADDEN. We wish to thank you for your testimony here this afternoon.

The committee will reconvene at 9:30 in the morning.

(Whereupon at 7:40 p. m., Tuesday, April 22, 1952, a recess was taken until 9:30 a. m., Wednesday, April 23, 1952.)

THE KATYN FOREST MASSACRE

WEDNESDAY, APRIL 23, 1952

HOUSE OF REPRESENTATIVES,
THE SELECT COMMITTEE ON THE KATYN FOREST MASSACRE,
Frankfurt/Main, Germany.

The committee met at 9:30 a. m., pursuant to call, in the main courtroom, Resident Officer's Building, 45 Bockenheimer Anlage, Hon. Ray J. Madden (chairman) presiding.

Present: Messrs. Madden, Flood, Machrowicz, Dondero, and O'Konski.

Also present: John J. Mitchell, chief counsel to the select committee, and Eckhardt von Hahn and Arthur R. Mostni, interpreters.

(The proceedings and testimony were translated into the German language.)

Chairman MADDEN. The committee will come to order.

The first witness is Dr. Sweet.

TESTIMONY OF DR. PAUL SWEET, WHADDON, BUCKS, ENGLAND

Chairman MADDEN. Doctor, will you give the reporter your full name and address, please?

Dr. SWEET. Paul R. Sweet.

Chairman MADDEN. And your address?

Dr. SWEET. Whaddon, Bucks, England.

Chairman MADDEN. Pardon me, Doctor. Do you mind whether you are photographed or not?

Dr. SWEET. No.

That is my working address.

Chairman MADDEN. Before you testify, it is our wish to invite your attention to the fact that under the German law you will not be liable for slander or libel either in criminal or in civil proceedings for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Do you understand that?

Dr. SWEET. Yes.

Chairman MADDEN. Now, Doctor, will you stand and be sworn, please?

Dr. SWEET. Yes.

Chairman MADDEN. Do you swear by God the Almighty that you will, according to the best of your knowledge, tell the truth, the whole truth, and nothing but the truth, so help you God?

Dr. SWEET. I do.

Mr. FLOOD. What is your full name?

Dr. SWEET. Paul R. Sweet.

Mr. FLOOD. What is your present occupation?

Dr. SWEET. I am head of the American team in England of the German war documents project.

Mr. FLOOD. Now, you have been requested by the committee to appear here and to bring with you certain documents in possession of your organization that have been described as directly connected with negotiations and communications between certain of the governments concerned, the International Red Cross, and certain other pertinent matters. Is that correct?

Dr. SWEET. Yes, sir.

Mr. FLOOD. Do you have those documents now with you?

Dr. SWEET. I have photostats of them.

Mr. FLOOD. Where are the original documents?

Dr. SWEET. The original documents are in England in the joint custody of the American and British Governments.

Mr. FLOOD. How was this organization with which you are identified set up, and what are its general purposes?

Dr. SWEET. These documents are among those captured by the Military Forces under the command of the Supreme Commander, Allied Expeditionary Forces. They were turned over to the two Governments for joint custody, and this project is in the process of publishing a series of documents to establish as objectively as possible the record of German foreign policy.

Mr. FLOOD. What is your official capacity with this project?

Dr. SWEET. I am head of the American team in England.

Mr. FLOOD. The committee suggested that as you present these documents, you would have prepared at that time a brief description of each document, as it was placed in the record, about a sentence or so in length. Do you have that prepared?

Dr. SWEET. I do, sir.

Mr. FLOOD. Now, if you will let me have all of those documents I will have them marked for identification before you refer to them.

How many are here?

Dr. SWEET. Approximately 20.

(Documents submitted to the committee.)

Fr. FLOOD. I now hand to the stenographer, to be marked for identification, each one of these documents, to be marked with a separate number beginning with No. 21.

(The documents referred to were marked "Frankfurt Exhibits Nos. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42," and are shown starting on p. 1339.)

Mr. FLOOD. I now show you exhibit No. 21, a document marked for identification, and I ask you to describe what it is and to give your summary on it.

Dr. SWEET. The document is dated the 13th of April 1943, and it is a memorandum by the head of the Cultural Policy Department of the German Foreign Ministry, Dr. Six.

Mr. FLOOD. Very well.

Dr. SWEET. This is the summary for exhibit No. 21:

This document records a telephone call from the Propaganda Ministry. Goebbels asks the Foreign Ministry to invite the Inter-

national Red Cross to send a commission to witness the exhuming of the bodies of Polish officers found in mass graves in the Smolensk region. The exhuming has already begun and has been witnessed by the Polish Red Cross and by delegations of Polish scientists, physicians, artists, and industrialists. Hitler has given the order to send out this story to the world, using all available means.

Mr. FLOOD. No. 21 is in evidence.

(Exhibit 21 is as follows:)

EXHIBIT 21

Letter 7-11-201



1000

... 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678,

6 5 4 3 2 1

Am 13. April 1940 rief stellvertretender Leiter Abteilung Ausland des Reichs, vormaligeministeriums Ministerialrat Gregor und der Chef Ministerialdirektor Berndt die Kulturpolitische Abteilung Dr.-F. Six an und gab im Auftrag von Reichsminister Dr. Goebbels folgendes zur Kenntnis: In der Stadt von Smolensk wurde eine GUPR-Station aufgestellt. In dieser Reihe von Massengräbern wurden 12.000 polnische Offiziere gefunden. Es handelt sich dabei um sämtliche polnische Offiziere, die den Bolschewiken überliefert und getötet, gleich in die Grube gefallen sind. Es waren an Militär insgesamt 12.000 Offiziere und 1.000.000 Mann. Von diesen 1.000.000 Mann sind 10.000 Mann in Irak eingetroffen, jedoch keine Offiziere. Diese in Irak eingetroffenen Soldaten sind es auch nicht von dem Verbleib ihrer Offiziere. Die Offiziere waren aus anderen Gründen in Irak eingetroffen. Die polnischen Offiziere stellen sich mit ihren Verbindungen erst bis April 1940, dann ist die Verbindung abgeschnitten. Aber ihren mit den Verbleib ihrer jetzt Verstorbenen im Irak sich findenden Liebespartner und Ostasien nur vor, die die Ankunft der Offiziere beobachten haben. Die Offiziere wurden nach ihren Angaben in Irak in Gruppen eingeteilt, Brigaden und Kommandos. Die Angehörigen haben gesagt, dass viele Offiziere in Irak in der Kugelzone, ihrer Kennzeichnung, ihrer Namen und Polarisierungen sind, sodass sie einzeln zu identifizieren sind. In den Ausgrabungen wurden die polnischen Wale, Kreuz und Abdrücke, polnische Tierenscheitler, Ärzte, Künstler und Industrieller ausgegraben. Der Führer habe nun Befehl gegeben, diese Angelegenheit in der nächsten Zeit mit allem zur Verfügung stehenden Mitteln zu untersuchen. Durch den Reichsminister Dr. Goebbels sind für 14. April Presse und Film

EXHIBIT 21—Continued

informiert worden. Reichsminister Goebbels bittet nun darum, dass seitens des Auswärtigen Amtes das Internationale Rote Kreuz zur Entzunderung der Leichen der letzten großen Massengräber durch Entsendung einer Kommission beigezogen wird. Da die Ausgrabungsarbeiten sehr weit fortgeschritten seien und mit Rücksicht auf die vorgeschrittene Jahreszeit mit einem Zerfall der Leichen zu rechnen sei, wäre eine beschleunigte Einleitung der Einladungen des Internationalen Roten Kreuzes erforderlich. Ich bitte um Weisung.

S i x . 1214

Hiermit

Herrn Staatssekretär

u.d. Bitte um Kenntnisnahme vorgelegt.

33574

[Translation of Exhibit 21]

[50/33673]

Head Cult Pol (Dept)

To

Office of Reich Foreign Minister.

Please submit to the Foreign Minister.

Urgent!

Submit at once!

On April 13 at 2230 hrs the deputy head of the Foreign Department of the Reich Propaganda Ministry Counsellor Gregory, and shortly after that, Minister Director Berndt rang Professor Six of the Cultural Policy Department and gave him on behalf of Reichminister Goebbels the following information. In the district of Smolensk a GPU execution ground was discovered. In a number of mass graves 12,000 Polish officers were found. It concerns all the Polish officers who fell into Soviet hands at the occupation of East Poland. In that army there were altogether 12,000 officers and 300,000 men. Of these 300,000 men, 10,000 arrived in Iran but no officers. The men who arrived in Iran know nothing of their officers' whereabouts. These officers were first held in the Prisoner of War Camp in Posen. The official Polish authorities were in contact with them until April 1940, then all contact was severed. Reports of interrogations are now to hand on their further whereabouts, from the railway workers and village inhabitants there [at Katyn], who saw the arrival of the officers. The officers were, according to their statements, brought daily in large groups [to that place] and then shot. The exhumations showed that all officers remained in possession of their identification marks, medals and papers, so that it is possible to identify them individually. The Polish Red Cross and a delegation of Polish scientists, doctors, artists and industrialists were invited to the exhumations. The Führer has now given the order, that the affair should be given the widest possible use and publicity, with every means available. The Press and Film industry have been notified by Doctor Goebbels for April 14.

[end of 50/33673]

[50/33674]

Reichminister Goebbels now asks that through the German Foreign Office the International Red Cross should be drawn into participation in the exhumation of the corpses in the last large mass graves by the sending of a commission. As great progress has been made with the exhumations, and taking into consideration the danger of the corpses decomposing because of the advanced time of the year, a speedy initiation of the invitation to the International Red Cross is necessary.

Please give instructions.

(signed) Six 13/4

Herewith submitted
to the Secretary of State
for information.

[50/33674]

Mr. FLOOD. I now show the witness a document marked for identification as exhibit No. 22, and I ask you to describe what it is and give your summary of it.

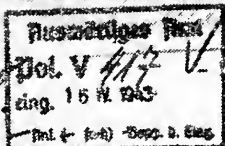
Dr. SWEET. This is a memorandum dated the 15th of April 1943, a memorandum by the official of the Political Department, Tippelskirch.

This memorandum recommends to the Director of the Political Department of the German Foreign Office, Woermann, that official protocols be made about what was found at Katyn for propaganda. This is all the more necessary, since some neutral journalists have declined to have their impressions published.

Mr. FLOOD. No. 22 is in evidence.
(Exhibit 22 is as follows:)

EXHIBIT 22

Ref. Gesandter von Tippelskirch
Betr. Anregungen für Propaganda



Pol. V
eing. 15.4.1943

Pol. V -

Es erscheint zweckmäßig für die Auffindung von Massengräbern durch die GPU erschossener polnischer Offiziere bei Bzolensk amtliche Protokolle anfertigen zu lassen. Diese Protokolle sollen zur propagandistischen Auswertung der Gelegenheit im Ausland dienen. Diese Art der Propaganda ist uns notwendig, als einzelne neutrale Journalisten, die zur Besichtigung an Ort und Stelle eingeladen waren, die Veröffentlichung ihrer Eindrücke ablehnen.

Die Protokolle sind beim OSt. angefordert.

Berlin, den 15. April 1943

Hiermit

Herrn U.St. 7. Weermann

vorgelegt.

gez. von Tippelskirch

Abdruck aus

Pol.

Pol. III (H.v. Wittaschler)

Pol. III (Stech. Gr. v. d. Schulenburg)

352027

Handwritten signature/initials

Handwritten signature/initials

[Translation of Exhibit 22]

[1327/352027]

Referat. (Office) of Minister von Toppelskirch
Subject. Suggestions for Propaganda.

Political Dept. V.

[stamp:] Foreign Office
Pol V 417
arrival 16.iv.1943

It would appear to be expedient to prepare official records of the discovery of the mass graves of Polish officers shot by the GPU near Smolensk. These records should be of use for propaganda purposes abroad. This kind of propaganda is more essential as individual neutral journalists who were invited to view the site and place [of the discoveries] refused to publish their impressions.

These Protocols are demanded by the Supreme Command of the Armed Forces (OKW)

Berlin 15 April 1943

Herewith submitted to
Under Secretary of State Woermann

(signed) VON TOPPELSKIRCH.

Copy to
Director Pol
Ppt Pol IX (Minister Counsellor von Trützschler)
Pol XIII (Ambassador Count von der Schulenberg)

Mr. FLOOD. I now show you, witness, a document marked for identification as exhibit No. 23 and I ask you to describe what it is and give your summary of it.

Dr. SWEET. I am sorry, but this sheet of paper here is not an exhibit; it is just a record of a telegram.

Mr. FLOOD. Exhibit 21 was Goebbels's talk, and No. 22 was that report that you thought was necessary because of the neutrals, is that correct?

Dr. SWEET. Yes.

Mr. FLOOD. Very well. Let the record show that the paper marked as Exhibit No. 23 is—what?

Dr. SWEET. That is just a paper for my own reference, a missing document, a telegram from the German Red Cross to the International Red Cross, which is not in our record and which I noted for my own information.

Mr. FLOOD. Very well; we will strike out exhibit No. 23 as not pertinent or material and go on to the next one.

(As noted above there is no exhibit No. 23.)

Mr. FLOOD. I now show you a document marked for identification as exhibit No. 24 and I ask you to describe what it is and give your summary of it.

Mr. SWEET. This is dated the 15th day of April 1943, from the head of the Cultural Policy Department, Dr. Six, to the German Legation in Bern. This is a summary of what has been found so far at Katyn. By April 11, 160 bodies had been taken out and identified. Annexed to this document are interrogations of people who had local knowledge of Katyn.

Mr. FLOOD. Exhibit No. 24 is now in evidence.
(Exhibit 24 is as follows:)

EXHIBIT 24

1954-1955

Erst bei

Zusagen

Betrifft: Auffindung von ~~Kontaktpersonen~~ ^{1. Kontaktperson} ~~sonstiger~~ polnischer Offiziere

In der Anlage werden Lichtbilder der im Wald von Katyn gefundenen ermordeten polnischen Offiziere und Abschriften von Vernehmungen ortsansässiger Russen übersandt.

Die Lichtbilder zeigen:

- 1) einen Überblick über die Fundstelle,
- 2) Lage der Leichen im Massengrab,
- 3) einzelne Leichen, bei denen die Hände auf dem Rücken gefesselt waren,
- 4) eine Leiche, bei der Wafftenrock und Schuhe über dem Kopf zusammengebunden waren.

Sämtliche Lichtbilder betreffen Leichen ermordeter polnischer Offiziere.

Aus den Aussagen der Insassen ergibt sich:

- 1) Die Mordstelle war in den Jahren 1918-1929 ein Hinrichtungsplatz der CPU.
- 2) Im März und April 1940 wurden in täglichen Kolonnen insgesamt tausende polnischer Offiziere, einige polnische Zivilisten, vermutlich Angehörige der Intelligenz, sowie einige polnische Geistliche auf den Mordplatz gebracht. Die Polen kamen angeblich aus dem Gefangenenlager Moseley, wurden per Bahn nach Osnosowa gebracht und von dort auf Lastkraftwagen verladen.

Zur Vorgeschichte des Fundes ist zu berichten: Im Sommer 1942 hörten einige polnische Angehörige des Wehrmachtsgesolles, dass in die fragliche Gegend Polen verschleppt worden seien. Sie gruben auf eigene Faust nach, fanden einige Leichen. Kennzeichneter die Fundstelle durch ein Holzkreuz, machten jedoch von dem Fund keine weitere Meldung. Im Februar 1948 hörte die Gohesee Polizeibehörde

EXHIBIT 24—Continued

2 -

Geförnte über ein angebliches Messengrab, untersuchte die angegebene Stelle in Mraz und begann Anfang April, sobald die Witterung es erlaubte, mit grösseren Ausgrabungen.

Bis zum 6. April wurden probeweise an sieben Stellen Grabungen vorgenommen, die sämtlich zu Leichenfunden führten.

Bisher wurden erst einige der Polen- und einige der Russen gehoben. Das grösste Polengrab ist bis zum 11. April in einer Länge von 28 m und in einer Breite von 16 m geöffnet worden. Auf der obersten Schicht liegen etwa 250 Leichen; die Leichen liegen in 12 Schichten übereinander. In diesen einen Grab dürften 2 - 3000 polnische Offiziere liegen. Nicht weit entfernt befindet sich ein weiteres Grab, in dem offensichtlich höhere polnische Staboffiziere vergraben wurden. Die Leichen liegen mit dem Gesicht nach unten und weisen nach den bisherigen Feststellungen sämtlichen Genickschüsse auf.

Ein Teil der Offiziere, die an einer wieder um wenige Meter entfernten Grabungsstelle gefunden wurden, hatten die Hände auf dem Rücken gefesselt; bei einigen war ein Stock bzw. der Uniformrock über dem Kopf zusammengebunden.

Die Offiziere hatten mit wenigen Ausnahmen keine Wertsachen mehr bei sich, doch konnten in fast allen Fällen die Legitimationskarten und Ausweispassiere gefunden werden.

Bis zum 11. April waren 360 Leichen aus den Gräbern herausgenommen und identifiziert worden. Darunter befanden sich zwei polnische Generale, nämlich Brigadegeneral Smorawinski, Mieczyslaw aus Lublin, Pl. Litwinski 3 und General Bogaterevitch, Bronislaw. Bisher wurden sämtliche Rangstufen der Offiziere vom Leutnant bis zum General festgestellt. Ein auffallend grosser Teil der Offiziere trägt die Traditionslitze der Pilsudski-Regimenter. In den polnischen Messengräbern dürften sich etwa 90 % Offiziere befinden.

E424-32

Die

EXHIBIT 24—Continued

3

Die Gesamtzahl der in dem fraglichen Feldgelände verscharrten Polenleichen wird auf Grund der Angaben der Zivilbevölkerung über die ständigen Ausladungen in den Monaten März und April 1940 auf etwa 10 000 geschätzt.

Die Leichen werden von Gerichtsmedizinern der Heeresgruppe Mitte untersucht, der Bericht wird schnellstmöglich angefertigt werden. Er wird möglicherweise Aufschluss geben können über etwaige Verstümmelungen und über die genaue Art der Erschiessung. Verstümmelungen wurden an den bisher geborgenen 160 Leichen nicht festgestellt. Aus der Lage der Leichen kann angenommen werden, dass die Offiziere gezwungen wurden, in das Grab zu steigen und sich selbst hinzulegen. Lediglich die oberste Schicht der Leichen lag quer durcheinander, woraus geschlossen werden kann, dass sie nach der Erschiessung in das Grab geworfen wurden.

Von den Russengräbern ist erst ein ganz kleiner Teil geöffnet worden, auch hier konnte ich bei einigen Leichen über dem Kopf festgebundene Sachen sehen, bei einigen weiteren war der Mund mit Sägespänen ausgestopft.

Die Ausgrabungen werden fortgesetzt, können aber voraussichtlich nur bis Anfang Mai erfolgen, da dann die Gräber bei Eintritt wärmerer Witterung wegen Seuchengefahr geschlossen werden müssen.

Es wird um weitgehendste Auswertung gebeten.

Im Auftrag

E424383

EXHIBIT 24—Continued

O.U. aus 27. März. 1945

Aus Mündliche Vernehmung erscheint der Russe
H i e s e l o w , Person.

72 Jahre alt.

Lebte in,

wohnhaft in Moskau.

und erfüllt auf Befragen Folgendes:

Ich wohne seit 1907 in Moskau. Seit ungefähr
10 Jahren wurde das Schloss in Wald als Sanatorium für
höhere K.K.M.D.-Beamte benutzt. Das ganze Waldgelände
war durch einen 2 mtr hohen Stachelzaun eingegrenzt.
Außerdem war alles durch Posten mit Gewehr gesichert.
Allen Zivilpersonen war der Zutritt zu dem Waldstück
streng verboten. Von den Beamten habe ich niemand ge-
kannt außer dem Haushalter, der zugleich Richter war,
namens Roman S e r g e j e w i t s c h , angeblich aus
Kasane.

Im Frühjahr 1940 wurden zirka 4 - 5 Wochen lang
täglich 3 - 4 Lastwagen beladen mit Menschen zu dem
Waldstück gebracht und dort angeblich von der K.K.M.D.
erschossen. Die Leichen wurden so verpackt, so dass nie-
mand sehen konnte, was darin war. Meines Wissens, als ich
auf dem Bahnhof Gniezdowa war, sah ich wie aus den
Eisenbahnwagen in die mir bekannten K.K.M.D. Männer ausstiegen
und in Richtung Waldstück davongefahren. Was mit den
Männern gescheit wurde, kann ich nicht sagen, da sich
niemand in die Nähe wagen durfte. Das Schießen und
Schreien von Männern habe ich bis in meine Wohnung
gehört. Es ist wohl anzunehmen, dass die Männer erschossen
wurden. In der Umgebung macht man keinen Hehl daraus,
dass hier Polen durch die K.K.M.D. erschossen wurden.
Die Leute der Ortschaft erzählten, dass es sich um
zirka 10 000 Polen gehandelt haben soll.

Als das Waldstück durch die Deutschen Kruppen ein-
genommen worden war, ging ich in den Wald, um mich an

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EXHIBIT 24—Continued

- 2 -

Flammenzeugen. Ich war der Meinung, ich würde noch einige Leichen finden, aber vergeblich, denn ich fand nur einige frisch aufgeworfene Hügel. Da stand bei mir fest, dass die Toten nur unter den Hügeln liegen konnten. 1942 im Sommer waren Polen bei einer deutschen Märsch in Chiesdowa beschäftigt. Eines Tages kamen 10 Polen zu mir und baten mich, ich möchte doch ihnen zeigen, wo ihre Handgeleute liegen würden, welche von der N.K.W.D. erschossen worden wären. Ich führte sie in das Waldstück und zeigte ihnen die frischen Hügel. Die Polen baten Ferner, ich möchte ihnen eine Hacke und 1 Schaufel leihen, was ich auch getan habe. Ungefähr nach 1 Stunde kamen dieselben empört und schimpfend auf die N.K.W.D. zurück. Die Polen erklärten, dass sie auf einem der Hügel die Leichen gefunden hätten. Als Russisches Zeichen haben sie von Birkenholz 2 Kreuze hingestellt, welche heute noch dort stehen.

Weitere Angaben kann ich keine machen.

Ins Russische übersetzt und vorgelesen.

Geschlossen	Dolmetscher	gez. Unterschrift.
gez. Unterschrift	gez. Unterschrift	
Waldw.d.Kipo	W.K.	

E424385

EXHIBIT 24—Continued

O U., den 6. April 1943

Vor der hiesigen Dienststelle erscheint
der Russe

S e h i g y l o w , Michail

geb. am 10. Januar 1915 in Nowo-Bateki,
dasselbst, Haus 16 wohnhaft,
verheiratet, Kind, partellos,
seit August 1942 beim russ. G.D.
und gibt an:

Schon als Kind hörte ich, dass aus dem Gefängnis in
Smolensk Leute nach dem Wald bei Kosigory geschafft und
dort erschossen würden. Des Öfteren habe ich offene Last-
kraftwagen, auf denen die Gefangenen unter Bewachung
transportiert wurden, auf der Hollbahn, aus Smolensk kom-
mend, in Richtung Kosigory fahren gesehen.

Eines Tages, es war im Jahre 1927, hütete ich mit
noch anderen Jungen aus dem Dorfe in der Nähe von Kosigory
Pferde. Da sahen wir einen Lastkraftwagen aus der
Richtung Smolensk ankomen und an der Hollbahn bei dem
Wald von Kosigory halten. Dem Wagen entstiegen 11 Leute,
die in das Gelände abgeführt wurden. Kurze Zeit darauf
hörten wir Schüsse fallen. Wieder nach einiger Zeit kam
die Bewachungsmannschaft zurück und das Auto fuhr wieder
in Richtung Smolensk zurück. Aus Neugierde liefen wir
Jungens dann in den Wald, um uns die Stelle, wo die Leute
erschossen worden waren, näher anzusehen. Mich selbst ver-
ließ aber ein Stück vorher der Mut und ich blieb zurück.
Kernoch erzählten mir die anderen, dass sie die Grube ge-
funden hätten. An Wänden der Grube wären ganz frische Blut-
spuren zu sehen gewesen und ausserdem wären die Leichen
nur mit wenig Erde bedeckt worden, sodass die noch Hände
und Füße herausragen gesehen hätten.

Bemerken will ich noch, dass das Walddelände bei
Kosigory zu dieser Zeit noch nicht abgesperrt war. Die
Jungen, mit denen ich damals zusammen war, sind schließlich
zur Roten Armee eingezogen.

Ins Russische Übersetzt und vergelassen:

geschlossen:
Unterschrift
Hilf

E424386

Hilfholz
Hilfholz

...Unterschrift...

EXHIBIT 24—Continued

O.U. den 6. April 1943

Vorgeladen erscheint der Russe
 S i a d k o w , Alexei, geb. am 17.3.1875
 in Choroschnawa, Rayon Smidlow, wohnhaft
 in Krasny-Bor, Haus Nr. 75, und erklärt:

Ich wohnte in den Jahren 1939 - 1941 in Nowo-Bateki und fuhr jeden Tag mit dem Zug nach Smolensk, wo ich arbeitete. Auf diese Weise hatte ich Gelegenheit, die Überführung der Polen nach Kosi Gory mit eigenen Augen zu beobachten. Im Monat März des Jahres 1940 standen eines Tages 4 - 5 Luxus-Waggons auf einem Nebengleis des Bahnhofs Gneudowo, in der Höhe der Verladerrampe. Die Insassen durften die Wagen nicht verlassen und zwei Posten mit Gewehr standen davor. Ich ging selbst an den Wagen vorbei und sah Offiziere und Zivilisten an Tischen sitzen. Auf den Tischen standen Weinflaschen und die verschiedensten Speisen, wie z.B. Wurst und Schinken. Die Insassen waren zum grossen Teil Zivilisten, auch einige Frauen waren darunter. Sie waren alle gut gekleidet und vornehm gekleidet und schon daran als Ausländer zu erkennen. Frauen von Bateki mussten Wasser zu den Waggons bringen, durften jedoch diese selbst nicht betreten. Ich war auch Zeuge, als abends ein Teil der Wageninsassen auf zwei Lastwagen geladen wurden. Sie hatten alle schwere Koffer bei sich, einige trugen auch Kissen unter dem Arm. Die Verladung wurde 4-5 Tage fortgesetzt, bis die Waggons leer waren. Über Nacht waren dann die Waggons wieder verschwunden und nach etwa 8 Tagen standen sie wieder voll besetzt an derselben Stelle. Dieses Spiel wiederholte sich ununterbrochen während der Monate März und April 1940. Unter der hiesigen Bevölkerung bezeichnete man diese Leute damals allgemein als "polnische Geiseln".

Weitere Angaben kann ich nicht machen.

Das Russische Übersetzt, vorgelesen u. unterschrieben:

Beglaubigt:

Büchse

Offiz. u. Hipo

Dolmetscher:

Unterschrift

Sdf. (G)

Unterschrift.....

E424387

EXHIBIT 24—Continued

O.U., den 5. April 1943

Auf der Dienststelle findet sich ein der
Russe

K r i w o s e r s o w, Iwan,
geb. am 20.7.1915 in Nowo-Bateki,
ledig,
Eisenarbeiter,
wohnhaft in Nowo-Bateki, Haus Nr. 119,
Bez. Smolensk,
parteilos,
seit Juli 1942: O.-D.-Mann
und sagt aus:

Durch meine Eltern, bekannte Dorfbewohner, habe ich ge-
hört, dass das Gelände von Kosi-Gory (Liegenberg) seit dem
Jahre 1918 als Richtstätte von der Beschoha, später von der
O.P.U., O.C.P.U. und zuletzt von der H.V.W.D. benutzt wurde.

Bis zum Jahre 1931 konnten wir, d.h. die Dorfbewohner in
diesem Gelände gehen, um dort Holz und Beeren zu sammeln und
auch ich habe als Junge in Kosi-Gory Pilze gesucht. Bei dieser
Gelegenheit bin ich wiederholt von den Eltern auf die frischen
Gräber hingewiesen worden.

Im Jahre 1931 wurde das Gelände von Kosi-Gory eingezäunt,
das Betreten durch Dienstleute, die von der O.C.P.U. unterschrie-
ben waren, verboten. 1934 wurde, wie ich gehört habe, in diesem
Gelände ein grosses Haus gebaut, das für die H.V.W.D.-Leute als
Erholungsheim bestimmt war.

Vollstreckungen in Kosi-Gory wurden in den Jahren 1918 -
1929 und von 1940 ab durchgeführt, in den Zwischenjahren sind
keine Transportwagen gesehen worden, die in das Gelände gefah-
ren sind.

Ab 1940 ist das Gelände von Kosi-Gory ausserdem noch von
Festern und Mäusen besucht worden. In den Monaten März und April
1940 sind viele Gefangenschaftstransportwagen in Gulesdowna einge-
troffen. Die Gefangenen wurden in die Gefangenschaftstransportkraft-
wagen, die im Volksmund die "schwarzen Raben" hiessen, geladen
und die Wagen sind dann von Bahnhof Gulesdowna auf die Landstrasse
in Richtung Katyn gefahren. Schliesslich aus dem Gelände von Kosi-

E424389

- 2 -

EXHIBIT 24—Continued

- 2 -

Gory habe ich nie gehört.

Ins Russische übersetzt und vorgelesen: X

Geschlossen:

Dolmetscher:

Unterschrift.

Wohn:

Nichols:

Gefr. und Pipe

Wohn:

E424390

EXHIBIT 24—Continued

O.U. Jan 28, Februar 1945

Auf Verladung erscheint der Russe
 A n d r e j e w . Iwan,
 geb. am 22.1.1917 in Nowo-Batki,
 desselbst. Haus Nr. 2 wohnhaft,
 Schlosser,
 verheiratet,
 partikilos

und steht als Zeuge folgender Aussagen:

Ungefähr Mitte März bis Mitte April 1940 kamen im Bahnhof
 Gniezdowa täglich 3 - 4 Züge an. 2 - 3 Waggons waren ausge-
 sprochene Arrest-Wagen. Diese wurden am Bahnhof abgestellt.
 Die Insassen, zum Großteil polnische Soldaten, die ich
 an der Mütze erkannte, sowie auch Zivilisten wurden aus den
 Waggons in geschlossene K.L.'s verladen. Die K.L.'s
 führen dann die Straße vom Bahnhof zur Rollbahn und bogen
 dann links in Richtung Katyn ab. Ich habe dann einige Male
 beobachtet, dass sie ungefähr 2 1/2 km von hier von der
 Rollbahn abbogen und gegen Mosigory fuhren. Ich habe es
 nicht selbst gesehen, doch mehrfach gehört, dass diese
 Leute in Mosigory beim K.L.'s erschossen worden sind.

Weitere Angaben kann ich nicht machen.
 Ins Russische übersetzt und vorgelesen.

geschlossen	Dolmetscher
Uffz. und Kipo	Uffz.

E424391

EXHIBIT 24—Continued

O.U., den 5. April 1943

Auf Verladung erscheint der Russe
G o d o n o w , Kusma.
geb. am 25.10.1877 in Nowo-Bateki,
verh., 5 Kinder,
Landwirt,
wohnhaft seit Geburt in Nowo-Bateki, Haus ohne
Nummer,
parteilos.

erklärt folgendes:

Seit 1918 wurde ich als Stallknecht bei der Kolchose
in Nowo-Bateki beschäftigt. Allen Bewohnern der Umgegend
war bekannt, dass Kosi-Gory als Richtstätte von der Tscheka
benutzt wurde. Ich erinnere mich noch, dass im Jahre 1921
aus dem Dorf Satyiki, Mrs. Kaspliansk die zwei Söhne des
Iwan K u r t s c h a n o w a Ende Mai, Anfang Juni 1921 in
Kosi-Gory erschossen wurden. Als ich an diesem Tage gegen
3 Uhr meine Wohnung verliess, um die Pferde zu füttern,
begegnete mir auf der Rollbahn ein offener L.K.M., beladen
mit 10 - 15 Mann, welcher von der Tscheka benutzt wurde.
Beim Vorbeifahren wurde ich von zwei Männern mit den Worten
"Auf Wiedersehen, Onkel" angesprochen. Ich erkannte sofort
die beiden Söhne des Iwan Kartschanowa. Als ich ungefähr
zwei Wochen nachher die Eltern der Erschossenen traf, wurde
meine Mutmassung bestätigt, indem sie erklärten, es wäre
ihnen mitgeteilt worden, dass ihre beiden Söhne in Kosi-
Gory erschossen wurden.

Ungefähr Mitte Juni 1921 wurde in Dorf Sarabinski, Mrs.
Kaspliansk der Teodor I s a t s c h e n k o w ebenfalls
durch die Tscheka verhaftet und in Smolensk durch die "Trot-
ka" zum Tode verurteilt. Wie die Eltern des J. mir er-
zählten, soll ihr Sohn Teodor ebenfalls in Kosi-Gory er-
schossen worden sein.

2

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EXHIBIT 24--Continued

- 2 -

Aus welchem Grunde die Erschiessungen stattfanden, ist mir nicht bekannt. Nach den Aussagen der Eltern sowie der Bekannten waren die Erschossenen antikommunistisch.

Das Waldgelände Kosi-Gory durfte bis 1941, wenn nicht gerade Erschiessungen stattfanden, von jedermann betreten werden. Kinder, welche dort Pilze suchten, erzählten immer von frischen Grabhügeln.

Weitere Angaben kann ich nicht machen.

Ins Russische Übersetzt und vorgelesen.

geschlossen
Feldw. und Hapo'

Dolmetscher:
Ulitz.

Gen. Medvedev

E424593

EXHIBIT 24—Continued

O.V., Gen. 4. März 1943

An

Gruppe Ge. Feldpolizei 572
über L.O.F. 4

Betr.: Aufklärung eines Leichengrabs von der L.O.F. im Jahre 1940 geschossener Polen im Waldgelände an der Halbbahn Molotsk - Katenka (Luffahrt von Mischk), nordöstlich von Katyn.

Von einer Aushaufsperson wurde Anfang Februar gemeldet, dass in der Umgebung von Katyn mehrere hundert Polen vergraben sind, die in der Nacht April/ Mai 1940 durch Angehörige der L.O.F. dort erschossen seien.

Untersuchungen ergaben die Richtigkeit der Angaben. In dem Waldgelände nordöstlich des Ortes Katyn befinden sich mehrere aufgeworfene Hügel, unter denen die vergrabenen Leichen liegen. Wegen des Bodenfrostes konnte nur ein Streifen von 2 m im Quadrat auf einem der Hügel freigelegt werden. In 2 m Tiefe wurden mehrere dicht übereinanderliegende Leichen gefunden, die dem grossen Teil bereits in Verwesung übergegangen sind. Nach Lage der Leichen muss angenommen werden, dass diese in mehreren Schichten übereinander liegen. Von der Bekleidung einer Leiche wurde ein Knopf entfernt, auf den sich der polnische Name befindet. Inwieweit Vernehmung der Leiche vorliegt, kann erst durch Grabungen grösseren Ausmasses festgestellt werden.

Um Einzelheiten zu erfahren, wurden mehrere Wachen der K.O.F. hierzu vernommen. So sagt ein 72 jähriger Russe aus, dass sich in dem Waldgelände seit etwa 10 Jahren ein Sanatorium für höhere L.O.F. Beamte befunden habe. Der Zutritt zu dem mit Stacheldraht umzäunt und durch Posten bewacht gewesenem Gelände war Unbefugten verboten. Der Russe will im Winterjahr 1940 mehrere Wochen täglich 3 - 4 verschlossene Kkw. gesehen haben, auf denen die später Erschossenen von Beluhof Giesdowa nach dort transportiert seien. Das Schreiben der Männer und das Schiessen will er jeweils nach den

-2-

E424394

EXHIBIT 24—Continued

- 2 -

Transporten aus dem betreffenden Wald in seiner entfernt liegenden Wohnung geführt haben.

Nach den Erzählungen anderer soll es sich um rund 10.000 Personen handeln.

Ein anderer am Ausladebahnhof a.Zt. beschäftigt gewesener Einwohner sagt aus, es seien in den Monaten März/April 1940 täglich 9 bis 12 Gefangenewagen (Eisenbahnwagen) auf der Bahnstation Gniezdowo eingetroffen. Die Insassen sollen polnische Soldaten, Zivilisten und Geistliche gewesen sein. Auch er will beobachtet haben, dass der Abtransport in geschlossenen Lkw. in Richtung Katyn erfolgte.

Ähnliches sagte ein dritter Einwohner aus.

Augenzeugen über die Erschiessungen selbst sind bisher nicht ermittelt worden.

Die Unterschrift des Vorganges ist dem Ic/AO der Heeresgruppe Mitte unter Hinweis auf die Möglichkeit der propagandistischen Auswertung zwecks Entscheidung vorgelegt worden.

Von dort ist eine Abschrift an das GEM weitergeleitet, das über die Auswertung entscheiden soll; eine zweite Abschrift ist dem Leitenden Gerichtsmediziner Prof.Dr.Bantz beim Heeresgruppenarzt zur Kenntnisnahme zugeleitet.

Nach Eingang weiterer Weisung werden die Ausgrabungen unter Beteiligung des Prof.Dr.Bantz und der Propaganda-Abteilung IV durchgeführt.

(Voss)
Feldpolizeischreiber

E424395

[Translation of Exhibit 24]

German Foreign Office
Kult Pol L VI 6716
Annexes

Berlin 15 April 1943
Kurfürstenstr. 137

Concerning: Discovery of mass graves of murdered Polish Officers.
To the German Embassy—Bern.

In the annex will be found photographs which were sent of murdered Polish officers discovered in the forest at Katyn and copies of the examinations of local Russians.

The photographs show:

- 1) A view of the site of discovery
- 2) Position of corpses in the mass graves
- 3) Single corpses, the hands tied behind backs
- 4) One corpse with the tunic and hands tied together above the head

All photographs concern the bodies of murdered Polish officers.

From the statements of the Russians it can be deducted:

- 1) The site was from 1918–1929 an execution ground belonging to GPU
- 2) In March and April 1940 thousands of Polish officers, a few Polish civilians, suspected members of the intelligentsia as well as several Polish clergy, were brought daily in columns to the place of execution. The Poles allegedly came from the prison camp in Kosielsk, were brought by train to Gnesdowe and were there loaded onto lorries.

The following comment can be made on the circumstances leading up to the discovery: In the summer of 1942 Polish members of the Wehrmachtsgelages heard that Poles had been deported to the place in question. On their own initiative they dug, found several corpses, marked the place with a wooden cross but made no report in spite of their discovery. In February 1943 the Secret Security Forces [end of sheet 5827/E424381] heard rumours about an alleged mass grave, inspected the indicated spot in March, and began major excavation at the beginning of April as soon as the weather allowed.

Until April 6th digging experiments were made in seven different places, and all these led to the discovery of corpses.

Until now only a few of the Polish and Russian graves have been opened. The largest Polish grave had been opened to a length of twenty-eight meters and breadth of sixteen meters by April 11th. 250 corpses lie in twelve layers one on top of the other. In this one grave 2,000–3,000 Polish officers ought to be lying. Close by is a wider grave in which apparently Polish staff officers were buried. The corpses lie face downwards and all show shots in the neck, according to present examinations.

One section of the officers who were found in another grave again a few meters away, had their hands tied behind their backs; a few had uniform tunics or sacks tied over their heads.

With a few exceptions the officers had no valuables on them, but in nearly every case identity cards and papers were found.

By April 11th, 160 corpses had been taken out of the graves and identified. Among these were two Polish generals, Brigadier-General Smorawinsky, Mieczyslaw of Lublin Pl, Litwinski 3 and General Bronislaw Bogaterewitsch. Until now all ranks of officers from lieutenant to general have been identified. A strikingly large section of the officers are wearing the traditional braid of the Pilendski Regiments. Of the corpses in the Polish mass graves it is estimated that 90% are officers. [end of sheet E424382] The total number of buried Polish corpses in the said woodland is estimated (on the grounds of statements made by civilian persons about the constant unloading in March and April 1940) at about 10,000.

The corpses were examined by forensic pathologists of Army Group Mitte and the report will be made as soon as possible. It will give information about possible mutilations and the exact nature of the shooting. Mutilations on the 160 corpses could not be determined. The position of the corpses indicates that the officers were forced to climb into the grave and to lie down in it. Only the corpses in the upper layer were found lying obliquely one on top of the other, from which fact it can be assumed that they were thrown into the grave after being shot.

[Translation of Exhibit 24—Continued]

Only a small section of the Russian graves have been opened so far, but here also I could see that sacks had been tied over the heads of some corpses; a few had their mouths stuffed with sawdust.

The exhumations are being continued but probably only until the beginning of May, as then the graves have to be closed because of fear of epidemic at the entry of warmer weather.

It is suggested that you should make as much public use of this as possible.

By order

Six

[End of sheet E424383]

O. U. the 27 February 1943

On verbal invitation, appeared the Russian,

Kieselow, Parfeon,

72 years old,

Farmer

Resident in Kosegorie

and declared, on interrogation, the following,

"Since 1907 I have lived in Kosegorie. Approximately ten years ago, the castle and the woodland was first used as a sanitorium for senior NKVD officials. The whole wooded area was surrounded by barbed wire to the height of about two metres. Moreover everything was guarded by armed sentries. No civilians were allowed entry. I did not know any of the officials, only the house servant, who was also watchman. His name was Roman Sergejewitsch, allegedly from Vjasmir.

"In the spring of 1940, daily, for four to five weeks, three to four lorries loaded with people were brought to the woodland and there presumably shot, by the NKVD. The lorries were closed, so that no one could see what they contained. One day, as I was standing on Gniesdowa station, I saw men dismounting from the train and getting into the familiar lorries, which drove away in the direction of the wood. What happened to the men, I could not say, as no one dared to go near. The sounds of shots and men screaming could be heard in my house. It is to be assumed that the men were shot. In the vicinity no bones were made of the fact that Poles had been shot by the NKVD. The people in the village said that about 10,000 Poles were shot. After the area had been occupied by German troops, I went into the wood to convince myself. I was of the opinion that I might find some corpses

[end of 5827/E424384]

but in vain, because I found only a few thrown up mounds. I was convinced that the dead could only be lying under the mounds. In the summer of 1942, certain Poles were with a German unit at Gniesdowa. One day ten of them came to me and asked me to show them where their countrymen, who had been shot by the NKVD, were buried. I led them to the wooded site and showed them the new mound. The Poles then asked me to lend them a hoe and a spade, which I did. After about an hour, they came to me very indignant and abusive of the NKVD. They explained that in one of the mounds they had found corpses. They marked the spot with two crosses made of birchwood which are there to this day.

"I am unable to make any further statement."

Translated into Russian and read aloud.

Sealed xyz

signed xyz

Sergt of Hilfspolizei

Interpreter xyz

NCO

[Translation of Exhibit 24—Continued]

[5827/E424386]

O. U. the 6 April 1943.

Before the local headquarters appeared the Russian

Schigulow, Michail

Born 10 Jan 1915 in Novo Bateki

Resident there in House No. 16

Married, one child, no party.

Since 1942, with the Russian OD

and stated:

"Already as a child I heard that people from Smolensk prison were taken to the wood near Kosigorie and were there shot. I often saw open powered trucks on the highway on which prisoners under guard were transported, coming from Smolensk and travelling in the direction of Kosigorie.

"One day in 1927 I, together with some other village boys, was looking after horses. We saw a powered truck coming from the direction of Smolensk and stopping on the highway near the Kosigorie wood. Eleven people dismounted and were led off into the woodland. A short time after this we heard shots; again after some time the guards came back and the truck returned in the direction of Smolensk. Out of curiosity we boys ran into the wood in order to examine more closely the spot where people had been shot. I myself lost courage before reaching the spot and remained behind. Afterwards the others told me that they had found the grave. On the edge of it they had seen very fresh bloodstains. And moreover, the corpses had only been covered with a little earth so that they saw hands and feet sticking out.

"I should like to comment that at this time the woodland near Kosegorie was not shut off. The boys with whom I was at Kosegorie at that time were all conscripted into the Red Army."

Translated into Russian and read before me.

Signature

N. C. O. and Auxiliary
Policeman

Signed

EICHHOLZ

N. C. O. and Interpreter.

[5827/E424387]

O. U. 6 April 1943.

On invitation the Russian Sladkow, Alexei, appeared, born 17.3.1875 in Chorowschawa, County Demodow, resident in Krassny-Bor, House No 75 and deposed.

"I lived in the years 1939-41 in Novo Bateki and travelled by train to Smolensk every day where I worked. In this way I had the opportunity to witness the transfer of the Poles to Kosiel Gorie with my own eyes. One day in March 1940 four or five passenger coaches (Luxus wagons) stood on a railway siding of the Gnesdowa station, in the vicinity of the loading platform. The passengers were not allowed to leave the carriages and two armed sentries stood in front of them. I myself passed the carriage and saw officers and civilians sitting at tables on which were bottles of wine and various types of food, such as sausage and ham. The passengers were mostly civilians with a few women among them. They were all well-fed and decently dressed and from this already recognizable as foreigners. Women from Bateki had to carry water to the carriages but were not allowed to enter them. I was also witness when in the evening a section of the passengers were loaded onto two trucks. They all had heavy suitcases with them and a few also carried cushions under their arms. The unloading was continued for four to five days until the carriages were empty. The carriages disappeared during the night and after eight days they were again on the same spot, fully occupied. This performance was repeated unceasingly in March and April 1940. At that time the local population described these people as 'Polish hostages'.

"I am unable to make any further statement."

Translated into Russian and read aloud (to me)

Signature.

Witnessed

BÖSCKE

Interpreter

Special officer

Signature.

NCO and Auxiliary
Policeman

[Translation of Exhibit 24—Continued]

[5827/E424388]

O. U. the 27 Feb 1943

On invitation appeared the Russian,
 Griwasorzow Iwan,
 Born on 20.6.1916 in Nowo Bateki
 resident there House No 119
 Turner
 Bachelor
 Non party
 employed since July 1942 with Russian OD

and made the following statement:—

"In the year 1940 I was working in the village Gniesdowa on the collective farm. As my job was quite near the railway I noticed in March and April 1940 three to four trains consisting of three to four carriages which I recognised from the barred windows as obvious prison carriages, coming daily from Smolensk. These prison carriages stopped at Gniesdowa station. My sister Daria then told me that she herself had seen Polish soldiers, civilians and a few clergy leaving the carriages and being loaded into closed trucks. Generally one heard that the lorries had been driven to Kosigorie by the NKVD and that there the people had been shot. I myself saw nothing of this and my sister did not go into further details.

"I am unable to give further information."

Translated into Russian and read before me.

Signature

Sealed
 Signature

Interpreter
 Eichholz

NCO and Auxiliary Policeman

NCO

NOTE. The sister of Griwasorzow, Iwan, at the approach of German troops to drive cattle from the collective farm was kidnapped by the Bolsheviks and her present whereabouts are unknown.

Signed

NCO and Auxiliary Policeman

[5827/E424389]

O. U. the 5 April 1943

The Russian citizen
 Kriwosierzow, Ivan,
 born 20.7.1915 in Nowo Bateki
 Bachelor
 Ironworker
 resident in Nowo Bateki House no 119
 County Smolensk.
 Non party
 since July 1942 and OD man.

appeared at the office and made this statement:—

"From my parents, who are well known in the village, I heard that the woodland of Kosi-Gory (Goats' Hill) has been used as a place of execution since 1918 first by the Tscheka, then the GPU, OGPU and later by the NKVD.

"Until 1931 we, the villagers, were allowed to walk in the woodland and to gather mushrooms and berries. As a boy I picked mushrooms in Kosi-Gory. On this occasion I was repeatedly shown the new graves by the older people.

"In 1931 the woodland of Kosi-Gory was fenced in and entry prohibited by notice-boards signed by the OGPU. I heard that in 1934 a large house was built inside the wooded area which was meant as a sanatorium for the NKVD.

"Executions were carried out in Kosigorie from 1918 to 1929 and from 1940 onwards. In the intervening period no transport lorries were seen to drive into the area.

[Translation of Exhibit 24—Continued]

"From 1940 the woodland was additionally guarded by sentries and dogs. In March and April 1940 many prison transport waggons arrived in Gniesdowa: the prisoners were cooped up into prison lorries commonly known as 'black raven' and the lorries then travelled along the road from Gniesdowa station in the direction of Katyn. I never heard any shots

[end of 5827/E424389]

from the Kosi Gory wood."

Translated into Russian and read before me.

Sealed
HÖHNE

Corporal of Aux Police

Signature
E424390
Interpreter
EICHHOLZ
NCO

[5827/ E424391]

O. U. the 28 February 1943

On invitation appeared the Russian
Andrejew, Ivan
born on 22.1.1917 in Nove Bateki
Resident there House No. 2,
Locksmith
married
Non party

and made as witness the following statement :—

"Approximately from the middle of March until the middle of April 1940, three to four trains arrived daily in Gniesdowa. Two to three carriages of each were decidedly arrest carriages. These stopped at the station. Passengers who were mostly Polish soldiers whom I recognised from their caps, as well as civilians, were taken from the carriages and loaded into closed lorries. The lorries were driven along the station road towards the railway and then turned left in the direction of Katyn. I noticed several times that they turned off the highway two and a half kilometres from here and were driven in the direction of Kosigory. I never saw it myself but heard several times, that these people were shot in Kosigory by the NKVD.

"I am unable to make any further statement."

Translated into Russian and read before me.

Sealed

NCO and Aux Policeman

Interpreter
NCO

[5827/E424392]

O. U. the 5 April 1943

On invitation appeared the Russian

Godonow, Kusma
born on 25.10.1877 in Nowo Bateki
Married Five children
Farmer
Resident since birth in Nowo Bateki House without number
Non Party.

and made the following declaration :—

"Since 1918 I have been employed as an ostler on the collective farm at Novo Bateki. It was known to all the people in the neighbourhood that Kosigorie was being used as a place of execution by the Tscheka. I still remember that in 1921 between the end of May and the beginning of June, the two sons of Ivan

[Translation of Exhibit 24—Continued]

Kurtschanowa from the village of Satylki, County Kaspliansk, were shot in Kosigori. As I left my house on that day at about three o'clock, to feed the horses, I was met on the highway by an open truck loaded with ten to fifteen men all guarded by the Tscheka. As it passed two of the men called to me 'Goodbye Uncle!' I immediately recognised the two sons of Ivan Kortschanowa. When I met their parents about two weeks later, my suspicions were confirmed because they had been informed that their two sons had been shot in Kosigorie.

"Approximately in the middle of July, Feodor Isatschenkow was also arrested in the village of Sarubinki, County Kasplianski, and sentenced to death by the 'Troika', in Smolensk. His parents told me that their son Feodor was also shot at Kosigorie.

[End of 5827/E424392]

"The reasons for the shootings are unknown to me. Judging by the statements of the parents and acquaintances, the victims were anticommunistically inclined.

"When executions were not taking place, the Kosigorie woodland was open to all until 1931. Children who gathered mushrooms there always told of new gravemounds.

"I am unable to give further information."

Translated into Russian and read before me

(Signed) KLODYNOF
424393

Sealed
Sgt of Aux Police

Interpreter
NCO

[5827/E424394.5.]

O. U. 4 March 1943

To: Secret Field Police Group 570 via Aok 4.

Subject: Discovery of a Massgrave of Poles shot in 1940 by the NKVD, in the wooded area by the road Smolensk Motor road (approach from Vitezsk) North East of Katyn.

At the beginning of February it was reported by a contact, that in the vicinity of Katyn several thousand Poles are buried, having been shot by members of the NKVD in April and May 1940.

Investigations revealed the truth of the statement. In the woodland north of Katyn there were several thrown-up mounds under which lie the buried corpses. Because of ground frost only a part two metres square could be uncovered of one of the mounds. At a depth of two metres numerous corpses were found lying close together, decomposition having set in for the greater part. Judging by the position of the bodies it must be assumed that they are lying in several layers, one above the other. A button bearing the Polish Eagle was removed from the clothes of one of the corpses. How far the corpse shows mutilation, can only be determined by excavations carried out on a larger scale.

In order to discover details, several inhabitants of the neighbouring locality were interrogated. A 72 year old Russian states that a sanatorium for senior NKVD officials has been situated in the woodland for about ten years. Entrance to the area, fenced in and guarded by sentries, was prohibited to unauthorised persons. Daily for several weeks in the spring of 1940 the Russians saw three to four closed lorries on which the people who were later shot were transported from Gnesdowa station to the woodland in question. At times he heard men's screams and shooting

[end of 5827/E424394]

coming from the wood in question, in his house which was a considerable distance away.

According to the reports of others, about 10,000 people seem to have been involved.

[Translation of Exhibit 24—Continued]

Another inhabitant who was at the time employed on the unloading station states, that in the months of March and April 1940, daily nine to twelve prison waggons arrived at the Gniesdowa station. Passengers are reported to have been Polish soldiers, civilians, and a few clergy. He also noticed that they were taken away in closed lorries in the direction of Katyn.

A third inhabitant of the locality made a similar statement.

Eyewitnesses of the shooting itself have so far not been discovered.

The original of the previous report has been laid before the Ic/AO of Army Group Mitte, with a reference to the possibility of its use for propaganda purposes, for his decision.

From there a copy was sent to the Supreme Army Command (OKH) for a decision on its use; a second copy was passed for information to the senior forensic pathologist Professor Dr. Buhtz at the Medical Army Group.

After the arrival of further instructions the exhumations will be carried out with the participation of Professor Dr. Buhtz and Propaganda Section W.

Voss,

Secretary

Field Police

Mr. FLOOD. I now show you exhibit No. 25, a document which has been marked for identification, and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 17th of April 1943, and it is a memorandum by the State Secretary of the German Foreign Ministry, Weizsaecker, and it records that Hitler has ordered an additional appeal to the Red Cross in Geneva, this appeal to be signed by the Duke of Coburg, head of the German Red Cross and well-known abroad. Hitler's directive was his own idea after he had heard of the activity of the Polish ex-Government in the same matter. The Duke of Coburg's telegram already should have reached Geneva.

Mr. Flood. Exhibit No. 25 is now in evidence.
(Exhibit 25 is as follows:)

EXHIBIT 25

Berlin, den 17. April 1943.

St.S.No. 243

In Verfolg der vorgestern vom Deutschen Roten Kreuz nach Genf gerichteten Aufforderung, das Internationale Rote Kreuz möge sich an der Feststellung der russischen Gräueltaten an polnischen Offizieren beteiligen, hat der Führer heute Nacht eine zusätzliche Aufforderung des Deutschen Roten Kreuzes nach Genf angeordnet. Diese zusätzliche Aufforderung wäre vom Herzog von Coburg zu unterzeichnen, damit dessen international bekannter Name zum Tragen komme.

Die Weisung des Führers war eine spontane, nachdem ihm die Meldung über Betätigung der Polnischen Ex-Regierung in der gleichen Sache vom Reichspressechef vorgelegt worden war.

Die Nachricht über die Anordnung des Führers ist zur heute Nacht von Promi mitgeteilt worden. Das Telegramm des Herzogs, das mir dabei vorgelesen wurde, dürfte heute Nacht abgegangen sein. *Original auf dem Wege*
gez: Weizsäcker.

Telefonat an

Herrn Botschafter von Rintelen

Herrn Dr. Megele

- je besonders -

Durchschlag auf

Herrn V. L. E. Hodiger

Presse-Abteilung

Herrn Prof. Dix

Herrn U. St. B. Pol.

33687

[Translation of Exhibit 25]

[50/33687]

BERLIN 17 April 1943

At once!

St[ate] S[ecretary] No. 243

In following up the invitation issued by the German Red Cross to Geneva, that the International Red Cross should take part in the identification of the Russian atrocities against Polish officers, the Führer tonight has ordered an additional invitation to be dispatched to Geneva by the German Red Cross. This extra invitation is to be signed by the Duke of Coburg, so that the weight of his international name should be used.

The Führer's instructions were made on his own initiative after the report of the activity on similar lines of the Polish ex-government had been submitted to him by the Reich Press Chief.

The information of the Führer's order was given to me tonight by the Propaganda Ministry. The Duke's telegram which was read out to me at the same time should by now have reached Geneva.

(Signed) WEIZSÄCKER.

Telephone to

Ambassador von Rintelen

Dr Megerle

Weizsäcker 17 [April]

Copy to

Legation Counsellor Roediger

Press Department

Professor Six

Political Under Secretary of State.

[50/33687]

Mr. FLOOD. I now show you a document marked for identification as exhibit No. 26 and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 17th of April 1943, and it is a memorandum by an official of the legal department, Roediger, for Ribbentrop. The International Red Cross, in reply to the German Red Cross telegram of April 15, say they can only participate in identification proceedings if all interested parties request them to do so, in accordance with the memorandum of September 12, 1939.

Mr. Flood. Exhibit No. 26 is now in evidence.
(Exhibit 26 is as follows:)

EXHIBIT 26

Generalinspektör Herr Hartmann vom Präsidium des Deutschen Roten Kreuzes teilte soeben fernmündlich mit, daß in der Frage der amordeten polnischen Offiziere durch die Sowjetrussen soeben ein Antworttelegramm des internationalen Komitees vom Roten Kreuz auf das Telegramm des Deutschen Roten Kreuzes vom 15. April folgenden Wortlauts eingegangen sei:

"In Bestätigung Ihrer Depesche Nr. 466.

Internationales Komitee vom Roten Kreuz ist seiner Übung gemäß gern bereit, jegliche Nachrichten, vermißt und rechtskräftig identifizierte Militärpersonen betreffend, an Familien Angehöriger auf raschestem aus weiterzuleiten. Sogar Sagen könnte Komitee Teilnahme an Identifikationsverfahren durch Vorschlag von Experten nur dann erweisen, wenn es von sämtlichen beteiligten Parteien dazu aufgefordert würde, wie dies im Sinne des Kommandos vom 17. September 1929 liegt. Max Huber, Interkommissar."

Nach Mitteilung des Herrn Hartmann ist das Telegramm am 16. April 13.10 Uhr in Genf aufgegeben worden. Es ist nicht festzustellen, ob die Antwort des internationalen Komitees vom Roten Kreuz vor oder nach Eingang des von Golebiewski gemeldeten Versuches der polnischen Militärregierung an das internationale Komitee ertilt worden ist.

Hiermit

über Herrn Statenskr. Nr.

dem Herrn Reichsaussenminister
vorgelegt.

Berlin, den 17. April 1945.

X. 33689 Max Rüdiger

[Translation of Exhibit 26]

[50/33689]

General Director Hartmann of the Presidium of the German Red Cross has just informed me by telephone that in the question of the Polish officers murdered by the Russians a telegram from the International Committee of the Red Cross in reply to the telegram of the German Red Cross of the 15 April, with the following text has been received :

"In acknowledgement of your telegraph No. 466.

The International Committee of the Red Cross is, according to its practice, willingly prepared to relay as quickly as possible any information concerning missing and subsequently identified military personnel to their relatives. However the Committee can only consider taking part in identification proceedings by recommending experts, if it is approached in this sense by all parties involved, as this is defined in the memorandum of the 12 Sept 1939.

MAX HUBER, Intercroixrouge"

According to Mr. Hartmann the telegram was despatched from Geneva on the 16 April at 1910 hrs. It cannot be determined whether the answer of the International Committee of the Red Cross was issued before or after the reception of the invitation of the Polish exile Government reported by Globereuter.

Herewith

to the Secretary of State
for submission to Foreign Minister

Berlin the 17 April 1943

(signed) ROEDIGER.

[50/33689]

Mr. FLOOD. I now show you a document marked for identification as exhibit No. 27 and I ask you to describe what it is and to give your summary of it.

Dr. SWEET. This is dated the 19th of April 1943, from an official on Ribbentrop's personal staff, Megerle, to the German Legations in Budapest and Geneva. He wants to know if reputable people among the Poles in exile can be found who can be sent, expenses paid, to view the Katyn scene and who can be trusted not to distort their experiences so as to support another thesis at some later date, people of known anti-Bolshevist and anti-Semitic views preferred.

Mr. Flood, Exhibit No. 27 is in evidence.
(Exhibit 27 is as follows:)

EXHIBIT 27

Vermerk:

Unter Nr. 792 an Diplogerma
Budapest u.

unter Nr. 107 an Konsulgerma Genf
weitergeleitet. Telegramm
(G - Schreiber)

Berlin, 20.4.1943.

Chiffrierbüro.

Fuschl, den 19. April 1943 23,05 Uhr

Ankunft: 19. " " 24,00 "

Nr. 491 vom 19. 4.

G i t t e r s e i n e !

- 1) Diplogerma Budapest
 - 2) Konsulgerma Genf
- Tél. i. Ziff. (Geb. Ch. V.)

Diesseits wird ersogen, einigen namhaften polnischen Persönlichkeiten der dortigen Emigration die Möglichkeit zu geben, sich durch Augenschein von der Richtigkeit der deutschen Angaben über den Leichenfund im Walde von Katyn zu überzeugen. Es wird gebeten, umgehend zu berichten, ob die Voraussetzung für eine solche Aktion dort gegeben und ob geeignete Persönlichkeiten im dortigen Amtsbereich vorhanden sind. Dabei muß sichergestellt sein, daß diese Personen, denen freies Geleit zugesichert wird, später keinen Mißbrauch mit dem Erfahrenen treiben, insbesondere nicht gegenteilig aussagen, sowie daß sie nicht die Gelassenheit beannten, später andere Themen anschnitten. Besonders eignen sich anti-polischowistisch und antisemitisch eingestellte Personen oder solche, die durch die Bolschewisten Verwandte oder Kameraden verloren haben oder in Katyn vermuten. Für die Reise

kommen

33595

Dr. G. Kappeler
U.S.S.R. Pol.
U.S.S.R.
Moskau, Filter

Letzt. Abt. Pers.
" " Hn. Pol.
" " Kult.
" " Presse
" " Rundfunk
" " Inf.

Chief Prot.

Dg. Pol.

Arch. Expl. bel.

Kügel

EXHIBIT 27—Continued

- 2 -

kommen etwa vier Personen in Frage.

Zusatz zu 1). Gleiches Anfrage ergeht an Konsulat Genf.

Zusatz zu 2). Gleiche Anfrage ergeht an Gesandtschaft

Budapest. (Dgl. zu 2) Wenn Sie es für zweckmäßig und erfolgversprechend halten, anheinstelle vertrauliche Fühlungnahme mit Prof. Burckhardt wegen Benennung und Auswahl.

Megerle.

33396

[Translation of Exhibit 27]

[50/33695,6.]

[Telegram]

[Code]

To be treated
as secret.

Fuschl the 19 April 1943 23,05 Hrs

Arrival the 19 April 1943 24,00 Hrs.

Note.

Relayed to Diplo germa

Budapest as No 792

to Consugerma Geneva

as No 107.

Berlin 20.4.43.

Cipher Office No 491 of 19.4. Most Urgent

1) Diplogerma Budapest

2) Consugerma Geneva

Telegram in Code (Secret Code Procedure)

It is being considered here, whether to give certain individual Polish personalities of the emigration abroad the opportunity to convince themselves with their own eyes of the correctness of the German reports of the discovery of corpses in the woods of Katyn. You are requested to report by return post whether the presuppositions for such an action are to be found in your areas and whether suitable personalities are available in the area covered by your office. At the same time you must make certain that these people to whom safe conduct is to be guaranteed, will not make wrong use later of their experiences, especially that they will not report the opposite of what they have seen and do not use the opportunity to breach other subjects afterwards. Those who most recommend themselves are persons of anti-bolshevik or anti-semitic convictions or those who suspect that they have lost relatives or comrades through the Bolsheviks or in Katyn. For this journey

[end of 50/33695]

[50/33696]

about four people are necessary.

Postscript for 1) Same query directed to Consulate at Geneva.

Postscript for 2) Same query directed to Legation Budapest

(Also for No 2) If you consider it expedient and likely to be helpful, it is left to you to make confidential contact with Professor Burckhardt concerning names and selection.

MEGERLE.

St.S. Keppler

U.St.S. Pol

U.St.S.R

Amb Ritter

Director Pers Dpt

Econ Dpt

Cult Dpt

Press

Radio

Inf

Head Protocoll

Director Pol

Working Copy

with Cult Dpt.

Mr. FLOOD. I now show you a document marked for identification as exhibit No. 28 and I ask you to describe what it is and to give your summary of it.

Dr. SWEET. Exhibit 28 is dated the 29th of April 1943, from the head of the Cultural Policy Department, Six, to the German Legation in Bern. The Reich health leader wants an invitation to be given to Professor Zanger in Zurich to join a commission of international experts to go to Katyn to examine the evidence, and particularly to give a scientific report establishing the time when the burials were made. They should be in Berlin by April 27, ready to fly to Katyn the next day. In case Zanger declines, the Bern Legation is to invite some other specialist in forensic medicine, preferably one of greatest international repute, who is, at the same time, friendly to Germany.

Mr. Flood, Exhibit No. 28 is now in evidence.
(Exhibit 28 is as follows:)

EXHIBIT 28

Handwritten: fuch 14-43

Telegramm

Abgang aus Berlin, den	20. April	19 43	19 Uhr 00	Min. DZ
Ankunft in Pozna, den	20. April	19 43	18 Uhr 00	Min. DZ

Entziffert: Chiffre Verfahren: A-3-Schr. (Pol)

Dipl.-Ger. B e r n

Nr. 979

Vom: 20. April 1943.

C I T I S S I N E

MAKROPHOTOKOPPIERT

Geh.:

- 1.) Der Reichsgesundheitsführer bittet um Übermittlung folgender Einladung an Prof. Z a n g e r in Zürich. Falls dieser verhindert ist, oder eine Absage erteilt, wird an dem dortigen Arztesen angehängestellt, geeigneten, möglichst international bekannten deutschfreundlichen Gerichtsmediziner einzuladen.
- 2.) Die Einladung soll in folgender Form übermittelt werden: Der Reichsgesundheitsführer lädt zur Teilnahme an einer Kommission internationaler Sachverständiger zur Besichtigung von Katyn ein. Zweck der Reise ist Fertigung eines wissenschaftlichen - dokumentarischen Fundberichtes, im besonderen zur Feststellung des Zeitpunktes der Eingrabung.
- 3.) Durch die Herantragung in Form einer Einladung des Reichsgesundheitsführers soll der wissenschaftliche Charakter der Sachverständigenkommission betont und durch diese nicht-amtliche Einladung öffentliche Rückwirkung eines Refus vermieden werden.
- 4.) Der Abflug der Kommission erfolgt am 28. April mit Flugzeug ab Berlin. Eintreffen der Teilnehmer ist bis Dienstag 27. April spätestens erforderlich. Die Bestätigung der Annahme der Einladung ist noch heute, die genaue Ankunftszeit bis Freitag den 25. April erforderlich. Es wird gebeten, den Herren bei den Ausreiseformalitäten jede Unterstützung zu gewähren. **2**

Six +

E424377

[Translation of Exhibit 28]

[Noted on face of original:]
Urgent[Stamped on face of original:]
German Embassy Bern
Arrival Annexes—None
20 Apr. 1943
File No. 2016

[Telegram]

Dispatch from Berlin the 20 April 1943 19 Hrs Min German Summer Time
Arrival in Bern the 20 April 1943 18 Hrs Min Central European Time

decoded: Code Procedure: S-G-Schr (NE)

Nr. 879

Diplogerma Berne
of: 20 April 1943.
Most Urgent
Secret.

1). The Reich Leader of Health requests that the following invitation be transmitted to Professor Zanger in Zürich. In case he is prevented from accepting or gives a refusal, it will be left to your discretion to invite a suitable pro-German forensic pathologist, if possible of international reputation.

2). The invitation is to be conveyed in the following form: The Reich Leader of Health invites you to take part in a commission of international experts for the inspection of Katyn. The purpose of the journey is the preparation of a scientifically documented report of discoveries, in particular the determination of the time of burial.

3). In conveying this in the form of an invitation from the Reich Leader of Health you should emphasize the scientific character of the commission of experts, and by the unofficial character of the invitation avoid the ill-effects of a public refusal.

4). The departure of the commission will take place by plane from Berlin on the 28 April. The arrival of participants is recommended before Tuesday the 27 April at the latest. The acceptance of the invitation must be dispatched today, and the exact time of arrival by Friday the 23d April. You are asked to give the gentlemen concerned the utmost support with travel formalities.

Six+

[5827/E424377]

Mr. FLOOD. I now show you, Witness, a document marked for identification as exhibit No. 29, and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This document is dated the 26th of April 1943, from the German consulate in Geneva to the German Foreign Ministry. This transmits a telegram from the International Red Cross to the duke of Coburg, stating that the duke's telegram is still being studied. The consulate has been informed that the Red Cross committee is in a difficult position because delicate negotiations with the Russians on prisoners of war are in course and they are waiting for an answer from Molotov on this question. One of the experts on these matters in the consulate is of the opinion that the Russians will now use delaying tactics.

Mr. Flood. Exhibit No. 29 is now in evidence.
(Exhibit No. 29 is as follows:)

EXHIBIT 29

T e l e g r a m m

(Geh.Ch.Vorp.)

Genf, den 20. April 1943, 19,20 Uhr

Ankunft: 21. April 1943, 4,15 Uhr

Nr. 96 vom 20.4.43.

Recht

Mit Bezug auf Telegramm Nr. 106^{*)} vom 17. AprilInternationales Rotes Kreuz bittet um Weiter-
leitung folgenden Telegrammes:

Seiner Königlichen Hoheit

dem Herzog Koburg

Präsidenten des Deutschen Roten Kreuzes.

In Bestätigung der Bepesche Eurer Königl.
lichen Hoheit und unserer vorangehenden vorläufigen
Antwort in gleicher Angelegenheit vom 17. d.M. an
Geschäftsführer Präsident Grunitz beehre ich mich,
mitzuteilen, dass das Komitee Ihre Anregung im Hin-
blick auf all die bekanntgegebenen und zu erwägenden
Umstände befürderliehst prüft.

Unterschrift

Max Huber

Bei Übergabe des vorstehenden Telegramms erklärte
Gesandter Rutger, Komitee hoffe in morgiger Sitzung
eine gütliche Entscheidung fällen zu können. Durch
Zurückgang Hakens und Abreise Burckhardt sei technische
Fernführung eingetreten. Darüber hinaus befinde sich
Komitee in schwieriger Lage, da es gerade in diesen Tagen
mit Sowjetregierung in telegrafischem Austausch über Fra-
ge der Kriegsgefangenen in Russland stehe. Komitee müsse
befürchten, dass, wenn es deutsches und polnisches Ereu-
chen zu rasch gestatte, Sowjetregierung Unterhandlungen
mit Komitee/abbrechen werde. Komitee siehe in Erwägung,
erst Antwort auf ein an Molotow gerichtetes Telegramm in
Kriegsgefangenenfrage abzuwarten, ehe es durch Eingehen
auf deutsches Ersuchen Sowjetregierung vor den Kopf sto-
se. Sachbearbeiter für Rote-Kreuz-Fragen im Konsulat

33699

EXHIBIT 29—Continued

- 2 -

vortrachte als seine persönliche Meinung, Sowjet-
regierung werde sicher auch ihrerseits Versöhnungs-
taktik einschlagen und einer definitiven Antwort
auf Anfrage Komitees in Kriegsgefangenenfrage auswei-
chen. Komitee, das in letzter Zeit öfter über sei-
nen zurückgehenden Einfluss Klage geführt habe,
hätte Möglichkeit, durch Eingehen auf deutschen Vor-
schlag sich stärker in das Geschehen einzuschalten.

Kostin

33700

[Translation of Exhibit 29]

[50/33639,700]

[Telegram]

[Secret code procedure]

Geneva the 20 April 1943 19.20 Hrs

Arrival 21 April 1943 4.15 Hrs

No 96 of 20.4.43

Your Telegram Nr 104⁺ of 17 April

International Red Cross has requested relay of following telegram:—

His Royal Highness
the Duke of Coburg
President of the German Red Cross

In acknowledgement of Your Royal Highness' Telegram and in reference to our previous provisional answer in the same matter of the 17th of this month to Managing President Grawitz, I have the honour to inform you that the Committee is examining your suggestion in the light of all the published circumstances that need consideration

(Signed) MAX HUBER

At the delivery of the above telegram, the Minister Ruegger explained that the Committee hoped to come to a final decision in its session tomorrow. The illness of Huber and the absence abroad of Burckhardt had brought about a technical delay. Beyond that the Committee found itself in a difficult position in that it is at the same time in telegraphic exchange with the Soviet Government on the question of the prisoners of war in Russia. The Committee fears that if it yields too quickly to the German and Polish requests, the Soviet Government will at once break off negotiations with the Committee. The Committee must take into consideration whether it should not first await an answer to its telegram to Molotov on the question of prisoners of war, before it gives offence to the Soviet Government by taking up the German request. The expert on Red Cross questions in the Consulate

[end of 50/33639]

[50/33700]

expresses as his personal opinion that the Soviet Government for its part will most certainly institute delaying tactics and refuse a final answer to the questions of the Committee on the subject of the prisoners of war. The Committee, which in recent times has often made complaints about its diminishing influence, would have the opportunity to assert itself more strongly in the public eye by taking up the German suggestion.

NOSTITZ

[50/33700]

Mr. FLOOD. Now I show you exhibit No. 30, a document which has been marked for identification, and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 26th of April 1943, from the German consulate in Geneva to the Foreign Ministry. The consulate thinks it unlikely that prominent Poles among the Geneva emigrants would participate on the terms proposed. A senior associate of the Entente Internationale anti-Communists, a Russian-Swiss named Crottet, could probably be secured.

⁺Legal Dpt.

Mr. FLOOD. Very well, exhibit No. 30 is now in evidence.
(Exhibit No. 30 is as follows:)

EXHIBIT 30

Telegramm

(Geh. Ch. Verf.)

Genf, den 20. April 1943 - 19,20 Uhr
Ankunft: 21. April 1943 - 4,15 Uhr

Nr. 95 vom 20.4.43.

) ohne Aktenzeichen Auf Telegramm vom 19. Nr. 107)

Konsulat hält es für unwahrscheinlich, dass namhafte hiesige polnische Emigranten, wie Prinz Stanislaus Radziwill oder Graf Anton Lanckoronski, Angebot annehmen würden, vor allem, wenn sie dort Garantien abgeben müssten. Andere kommen im Amtsbe- reich nicht in Frage. Burckhardt zur Zeit auf Aus- landsreisen.

Konsulat anregt zu erwägen, ob Angebot nicht hiesiger Entente Internationale Anticomuniste ge- macht werden sollte; einer ihrer Hauptmitarbeiter, deutsch-freundlicher Russland-Schweizer Crottet, hatte schon mehrfach Wunsch nach Berlinreise zwecks engerer Fühlungnahme mit dortiger Antikomintern ge- äussert. Über Entente und Crottet vergleiche Draht- bericht Konsulats Nr. 51**) vom 4. März.

Konsulat bittet daher gegebenenfalls um Ermächti- gung mit genannten Polen über Mittelsmann oder mit Crottets Verbindung aufzunehmen.

Versand:
H. Begerle hat
Abdruck.

1. 1) ~~...~~
2. 10) ~~...~~
3. 3) - RAB
4. 10) - RAB
5. 8) - RAB
6. 4) - RAB
7. 40) - RAB
8. 6) - RAB
9. 10) - RAB
10. 10) - RAB

Hoetitz

33598

11. 10) - RAB
12. 10) - RAB
13. 10) - RAB
14. 10) - RAB
15. 10) - RAB
16. 10) - RAB
17. 10) - RAB
18. 10) - RAB
19. 10) - RAB
20. 10) - RAB

Katzel

[Translation of Exhibit 30]

[50/33698]

[Telegram]

[Secret code procedure]

Geneva the 20 April 1943 19, 20 Hrs

Arrival the 21 April 1943 4, 15 Hrs

Nr 95 of 20.4.43.

Ref Telegram of 19 Nr 107 †

The Consulate considers it unlikely that well-known Polish emigrants here, such as Prince Stanislaus Radziwill or Count Anton Lanckoronski will accept the offer especially if they are obliged to give guarantees there. Others in the area under this office do not come into question. Burekhardt at the moment on journey abroad.

The Consulate suggests consideration, whether the offer should not be made to the International Anti-Communist Entente here; One of their chief contributors, the pro-German Russian-Swiss Crottet, has many times expressed the wish to go to Berlin to develop more intimate contact with the Anticomintern. On the Entente and Crottet compare Consulate's telegram No. 51†† of the 4th March. Consulate therefore requests authorisation to contact the above named Poles and Crottet, the former through a third party.

NOSTITZ

NOTE. Dr Megerle has received copy.

[50/33698]

Mr. Flood. I show you now exhibit No. 31, which has been marked for identification, and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 22d of April 1943, from the German consulate in Zurich to the legation in Bern. An invitation to Zanger is not possible; he is too old and frail and lives in retirement. His successor, Professor Schwarz, is not an appropriate person because he has no international reputation and his attitude toward Germany is unknown.

†without file no.

††with Inf Dpt.

Mr. Flood. Exhibit No. 31 is now in evidence.
(Exhibit 31 is as follows:)

EXHIBIT 31

Jan.

Telegramm

Zürich

Abgang aus Zürich	den 22. April	19 43	12 Uhr	10	min.
Ankunft in Bern	den 22. April	19 43	15 Uhr	00	min.

entziffert: Koppler Chiffre Verfahren: Gr.V.

Diplogramm Bern

Hr. ----- vom: 22.4.

C i t i s s i n e

Auf schriftlich hierher gelangtes Telegramm des Auswärtigen Amtes vom 20. April.

Einladung Professor Zangheri nicht möglich, da dieser seit 1941 emeritiert und seither infolge hohen Alters und Gebrechlichkeit jede öffentliche Betätigung ablehnt. Einladung des Nachfolgers Prof. Schwarz nicht zweckmässig, da dieser keinen international anerkannten Ruf hat und seine Einstellung zu Deutschland nicht bekannt.

Voigt

*Immer Sachverhalt
Nr. 877 vom 22.4. buezt
wledigt.*

E221571

[Translation of Exhibit 31]

[Telegram]

Dispatch from Zürich the 22 April 1943 12 Hrs 10 Min.

Arrival in Bern the 22 April 1943 15 Hrs 00 Min.

Deciphered: Keppler

Code Procedure: Gr. V.

Diplogerma Bern

of: 22.4.

Most Urgent

Nr.-----

Ref Telegram of German Foreign Office of 20 April which arrived here by post.

Invitation to Professor Zangher not possible, as he retired in 1941 and since then, because of old age and weakness has refused all public activities. Invitation to professor Schwarz, his successor, not suitable, as he has no internationally recognised reputation and his attitude to Germany is unknown.

VOIGT

[Marginal comment in blue pencil:] already settled by telegram No 856 of 22.4.

[5887/E424371]

Mr. FLOOD. I now show you, Witness, a document marked for identification as "Exhibit No. 32," and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 22d of April 1943, from the consulate in Geneva to the Foreign Ministry for the duke of Coburg. This transmits a telegram from the International Red Cross saying that they are willing to line up a group of neutral experts provided that, in accordance with the memorandum of September 12, 1939, and interested parties agree on the composition of the committee and its terms of reference.

Mr. FLOOD. Exhibit No. 32 is in evidence.
(Exhibit 32 is as follows:)

EXHIBIT 32

Telegramm.

(Offen.)

G e n z, den 22. April 1947 - 21.00 Uhr
Ankunft: den 23. April 1947 - 03.10 Uhr

Nr. 106 vom 22.4.

Das internationale Komitee vom Roten Kreuz
bittet um Weiterleitung des nachstehenden
Telegramms an Präsidenten deutschen Roten
Kreuzes.

Fortlaut: S.M.Egl.Hoheit dem Herzog von
Koburg, Präsidenten des deutschen Roten
Kreuzes. Nach Prüfung der vom deutschen
Roten Kreuz in den Telegrammen vom 16. und
17. April an das internationale Komitee
vom Roten Kreuz gerichteten Aufforderungen
möchte ich unter Bestätigung meiner vor-
läufigen Antworten vom 16. und 20. April
1943 für das bei dieser Gelegenheit erwie-
sene Vertrauen danken. Inzwischen ist auch
die polnische Regierung in London mit ent-
sprechendem Anliegen an uns herangetreten.
Das internationale Komitee vom Roten Kreuz
ist gerne bereit, neutrale Experten zu be-
stellen oder in Vorschlag zu bringen, falls
entsprechend den in seinem Memorandum vom
12. September 1939 niedergelegten Grund-
sätzen sämtliche interessierten Parteien
in gleichem Sinne an das Komitee gelangen
und nachdem ein Einverständnis dergleichen
mit dem Komitee über die Modalitäten des
eifälligen Mandates erzielt wird. Das er-
wähnte Memorandum, welches in der Revue des
Roten Kreuzes vom September 1939 veröffent-
licht und an sämtliche Kriegführenden über-
mittelt wurde, handelt bekanntlich von den
Möglichkeiten der Mitwirkung des Komitees bei

Untersuchung

33702

Mayer

EXHIBIT 32—Continued

II.

Hand der polnischen
Regierung in London

Untersuchungen. Wir als Vorkenner des deutschen
Roten Kreuzes erheben, ob sie das Einverständnis der
Sowjetregierung zur Untersuchung durch von uns be-
zeichnete neutrale Sachverständige auf dem Wege über
die Schutzmacht bzw. durch direkte Verhandlungen
oder durch unsere Vermittlung einzuholen wünschen.
Für den Fall, dass die vorgenannten Voraussetzungen
erfüllt werden, bestreben wir uns jetzt schon,
geeignete neutrale Persönlichkeiten zu finden.

Gen. Max Baer, Präsident.
Bericht folgt.

K o m m i t t e e

33703

[Translation of Exhibit 32]

[50/33702]

[Telegram]

[Open]

Geneva the 22 April 1943 21,00 Hrs
 Arrival the 23 April 1943 03,10 Hrs

No 100 of 22.4.

The International Committee of the Red Cross requests the relay of the following telegram to the President of the German Red Cross.

Text: His Royal Highness the Duke of Coburg, President of the German Red Cross. After examination of the requests directed by the German Red Cross to the International Committee of the Red Cross in their telegrams of the 16 and 17 April, I would like to express our thanks for the confidence shown in us in this matter, and confirm our provisional answers of the 16 and 20 April 1943. In the meantime the Polish Government in London has approached us with corresponding requests. The International Committee of the Red Cross is willingly prepared to appoint or suggest neutral experts provided that, according to the condition laid down in its memorandum of 12 Sept 1939, all interested parties approach the Committee with the same wish, and following that, an agreement is reached by the Committee with the same people on the nature of the Mandate in all circumstances. The above mentioned memorandum which was published in the Review of the Red Cross in September 1939 and brought to the notice of all belligerents, dealt, as is well known, with the possibility of the Committee's co-operating in investigations.

[end of 50/33702]

[50/33703]

We leave it to the German Red Cross whether they wish to secure the consent of the Soviet Government to an investigation by neutral Experts appointed by us, either through the Protecting Power, through direct negotiations, or through our own mediation. Provided that the conditions mentioned above are fulfilled, we will endeavour to find suitable neutral personalities.

(Signed) MAX HUBER *President*

Telegraphic Report follows.

NOSTITZ

[50/33703]

Mr. FLOOD. I now show you exhibit No. 33, witness, which has been marked for identification, and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 23d of April, 1943, from the head of the legal department in the German foreign office, Albrecht, to the foreign minister's secretariat. This refers to the preceding telegram, exhibit No. 32, and is a memorandum explaining the legal basis for the answer given by the International Red Cross. In the memorandum of September 12, 1939, the International Red Cross had communicated to the belligerents the principles which would govern it in any investigation of violations of international law. The Red Cross would never initiate such an inquiry unless it had a mandate to do so conferred upon it by both parties in the conflict. In these circumstances the head of the legal department suggests that the German Red Cross should ask the International Red Cross to secure Soviet agreement to a committee. If the Soviets refuse, as they presumably will, appearances will not be in their favor and this situation can be publicly exploited.

Mr. Flood. Exhibit No. 33 is now in evidence.
(Exhibit No. 33 is as follows:)

EXHIBIT 33

Abdruck für St. H.

Berlin, den

zu k 10 094

Fernschreiben!

(G.-Schreiber)

Fuechl.

Zu dem Bericht der Konsulate in Genf Nr. 100 vom 22. April 1943 ist folgendes zu bemerken:

In dem Memorandum vom 12. September 1939 hat das Internationale Komitee vom Roten Kreuz den Kriegführenden die Grundsätze für seine ständige Tätigkeit bei der Untersuchung von Verletzungen des Völkerrechts mitgeteilt. Es hat zunächst bemerkt, daß eine derartige Tätigkeit nur in soweit erfolgen könne, als die die positive humanitäre Wirksamkeit des Komitee weder heute noch erschwere und hat in diesem Zusammenhang darauf hingewiesen, daß das Komitee während des Krieges 1914/18 keine Untersuchungen über behauptete Rechtsverletzungen durchgeführt habe. Soweit das Komitee hiernoch überhaupt in der Lage sei, eine Tätigkeit bei der Untersuchung behaupteter Völkerrechtsverletzungen auszuüben, geschehe dies niemals auf eigene Initiative sondern nur dann, wenn dem Komitee ein Mandat für diese Tätigkeit entweder im voraus durch ein internationales Abkommen oder aber durch eine Vereinbarung, ad hoc der beiden streitenden Parteien übertragen werde. In diesem Falle müsse das Untersuchungsverfahren alle Gewähr für Unparteilichkeit sowie die Möglichkeit bieten, daß die beiden Parteien ihre Verteidigungsmittel geltend machen könnten.

Die Sowjetunion ist zwar dem Kriegseffenen-Abkommen von 1929 nicht beigetreten, hat aber im Jahre 1934 ihre Beitritt zur Genfer Konvention (Abkommen zur Verbesserung des Loses der Verwundeten und Kranken der Heere im Felde) vom 27. 7. 1929 erklärt. Im Jahre 1934 ist das Sowjetrussische Rote Kreuz Mitglied der Internationalen Liga der Rot-Kreuz-Gesellschaften

33704

Handwritten signature

EXHIBIT 33—Continued

- 2 -

schaften geworden und entrichtet gewisse Zuschüsse an das Internationale Komitee.

Das Internationale Komitee zieht in seiner jetzigen Antwort an das Deutsche Rote Kreuz aus dieser Sachlage die formale Folgerung, daß es auch im vorliegenden Fall eine Untersuchung nur veranlassen könne, wenn auch die Sowjet-Regierung ihr Einverständnis erkläre.

Es kommt selbstverständlich nicht in Frage, daß von deutscher Seite an die Sowjet-Regierung wegen der Mitteilung eines derartigen Einverständnisses herangetreten wird, jedoch könnte erwogen werden, durch das Deutsche Rote Kreuz dem Internationalen Komitee nahezu legen, von sich aus das von ihm für erforderlich gehaltene Einverständnis zu beschaffen. Hierdurch könnte eine Grundlage dafür geschaffen werden, bei der zu erwartenden russischen Ablehnung das schlechte Gewissen der Sowjets in der Öffentlichkeit anzuprangern.

Es wird um Ratshilfe zur Weiterleitung des Wortlauts der Mitteilung des Internationalen Komitees an das Deutsche Rote Kreuz und an das Reichsministerium für Volksaufklärung und Propaganda gebeten.

Albrecht

33705

[Translation of Exhibit 33]

[50/33704]

zu R 10 094

Copy for the State Secretary
Berlin

sent : 23 April 1943

*To be Telegraphed!*To Office of Foreign Minister
Fuschl.

No. 1149

The following comments can be made on the telegram of the Consulate at Geneva, No. 100 of 22nd April 1943.

In the Memo of 12th Sept, 1939, the International Committee of the Red Cross communicated to Belligerents the principles for its eventual activity in investigation of infringements of international law. It has now remarked that such activity can only follow insofar as it neither limits nor renders difficult the positive humanitarian activity of the Committee, and in this connexion has referred to the fact that during the War of 1914-18 the Committee made no investigations of alleged breaches of law. So far as the Committee is in the position to engage in any activity on the investigation of breaches of International Law, this can never take place on its own initiative but only if the Committee is granted a Mandate for such activity either in advance through an international agreement or through an ad hoc agreement of both conflicting parties. In this case the investigation process must present every guarantee of impartiality, as well as the opportunity for both parties to make good their causes for defence.

The Soviet Union, it is true, did not participate in the Prisoner of War agreement of 1929, but in 1934 *announced its adhesion to the Geneva Convention of 27/7/29.* (Agreement for improvement of lot of wounded and sick of armies in the field.) In 1934 the Soviet Red Cross became a member of the International League of Red Cross Fellowships

[end of 50/33704]

[50/33705]

and paid the usual subsidies to the International Committee.

With the facts as they are the International Committee draws in its present answer to the German Red Cross the formal conclusion that, in the present case also, it can only undertake an investigation, if the Soviet Government declares its consent.

Obviously it is out of the question that an approach from the German side should be made to the Soviet Government on the granting of such consent; it might be considered, however, whether the German Red Cross should suggest to the International Committee that it obtain on its own initiative the consent that it holds to be essential. In this way a foundation could be provided through the Russian refusal that could be expected in which the bad conscience of the Soviets could be pilloried in public.

Permission is requested to forward the text of the communication of the International Red Cross to the German Red Cross and the Reich Ministry for information and propaganda.

(Signed) ALBRECHT.

[50/33705]

Mr. FLOOD. I show you now, witness, a document marked for identification as "Exhibit No. 34" and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 23d of April, 1943, from the consulate in Geneva to the Legation in Bern. This records a telephone call from Geneva to Kordt in Bern, in which Geneva told Kordt that it would be difficult to find an appropriate expert in Geneva, and named as possibilities Professor Remund of Zurich, Professor Schoenburg of Basel, and Professor Dettling.

Mr. FLOOD. Exhibit No. 34 is in evidence.
(Exhibit No. 34 is as follows:)

EXHIBIT 34

Konsul von Nostitz, Genf, teilte Botschafterat
Kordt gestern abend telephonisch mit, dass es auch in Genf
sehr schwierig sei, eine passende Persönlichkeit zu finden.
Er nannte in diesem Zusammenhang Professor Schönberg, Basel,
Dr. Remund, Zürich, den Chef des Schweizerischen Roten
Kreuzes, und einen Professor Dettling. Er nehme aber an,
dass es schwer sein werde, einen der genannten Herren zur
Annahme des Auftrages zu veranlassen.

Ich glaube, dass wir es bei meinem negativen
Drahtbericht belassen müssen.

Bern, den 23.4.43

E424373

[Translation of Exhibit 34]

Consul von Nostitz of Geneva, informed Legation Counsellor Kordt by telephone yesterday evening, that it is also very difficult to find a suitable person in Geneva. In this connection, he named Professor Schönberg of Basle, Dr. Remund of Zürich, the Chief of the Swiss Red Cross, and a Professor Dettling. He thought however, that it will be difficult to induce one of the aforesaid gentlemen to accept the commission.

I think we shall have to leave the position as it was with my last telegram in the negative.

(not signed)

BERN. the 23.4.43.

[5827/E424373]

Mr. FLOOD. I now show you a document marked for identification as "Exhibit No. 35" and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 24th of April 1943, from the minister in Bern to the foreign ministry. As already communicated by telephone, Professor Naville, of Geneva, a colonel in the Swiss Army, is ready to accept an invitation of the Reich health leader to visit Katyn.

Mr. Flood. Exhibit No. 35 is now in evidence.
(Exhibit 35 is as follows:)

EXHIBIT 35

- 234 - 16³⁰ HZ.

Telegramm - G-schreiben -

Citissime-nachts

Auswärtig Berlin.

No. 870/24.4.

Im Anschluss an Drahtbericht Nr. 879 v. 20.4.

Wie bereits telefonisch mitgeteilt, ist Professor
Francois N a v i l l e , Genf, - bereit Einladung Reichsgesund-
heitsführers zur Besichtigung von Katyn anzunehmen. Professor
Naville ist Oberst der Schweizer Armee. Er reist Montag 26. April
ab Basel mit D 91 und trifft Dienstag 27. April Potsdamer Bahnhof
08.57 Uhr ein.

Bitte dringend sofort Schlafwagenabteil 1. Klasse ab Basel
dort sicherstellen und Nummer von Schlafwagen und Abteil späte-
stens Sonntag vormittag hierher durchgeben.

Koecher.

Paraphe des Herrn Gesandten wird
nachgeholt.

10, 25 NR 224 EPH AUSK EIN 53 +

E424368

[Translation of Exhibit 35]

[Telegram]

[Secret script]

Most Urgent Night Dispatch.
Auswärtig Berlin.
No. 870/24.4.

My Telgram Report Nr. 879 of 20.4.

As already reported by telephone, Professor François Naville of Geneva is prepared to accept the invitation of the Reich Leader of Health to inspect Katyn. Professor Naville is a colonel of the Swiss army. He will leave Basle on the 26th April by (train) D.91. and will arrive at Potsdam Station on Tuesday 27th April at 08.57.

Please book immediately first class sleeper from Basle and send number of sleeper and compartment by Sunday morning at the latest.

KOECHER.

The signature of the Minister will be supplied.

19.35 NR 234 ERH AUSW Bln FG+

[5827/E424368]

Mr. FLOOD. I now show you a document marked for identification as "Exhibit No. 36" and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 27th of April 1943, and it is a memorandum by an official of the press department, Starke. This gives the names of the experts in forensic medicine from 14 European countries who have accepted the invitation of the Reich health leader and are ready to go to Katyn. Professor Orsos is described as the best known and as having taken over the leadership of the group, but he has made it known that he is a pronounced enemy of publicity. Professor Piga was the personal physician of the last King of Spain. His experiences in connection with opening Bolshevik terror graves during the civil war will be especially valuable to the committee. Naville, and especially Markoff, make a more reserved impression.

EXHIBIT 36

Berlin, den 27. April 1943

Hauptpark: Dr. Tramm, Erster Assistent des
kopenhagener Professors
Rind, das Vorsitzenden der
Internationalen Gerichts-
Arzte-Liga, der aus Gesund-
heitsgründen sich nicht
persönlich nach Smolensk
begeben kann, aber ver-
sprochen hat, dem Votum sei-
nes Assistenten zu seinem
eigenen zu machen.

Mitglied
352028

EXHIBIT 36—Continued

- 2 -

Mitglied des Südamerikanischen Ärztevereins, ein sehr temperamentvoller alter Herr, eingeschworener Anti-Roltschewist, der Dank seiner Erfahrungen bei der Öffnung von bolschewistischen Terrorgebieten in der Zeit des spanischen Bürgerkrieges besonders wertvoll für die Arbeiten der Delegation sein dürfte. Der Vertreter der Schweiz und vor allem der Vertreter Bulgariens machen einen zurückhaltenderen Eindruck.

Die vorerwähnten europäischen Gerichts-Mediziner hoffen in drei Tagen ihre Untersuchungen an Ort und Stelle mit einem ersten gemeinsamen Protokoll abschliessen zu können. Etwa zwei bis drei Wochen später wollen sie nach noch eingehenderen Untersuchungen von Leichenteilen in ihrer Heimat ein weiteres umfangreicheres medizinisches Gutachten erstatten. Mit ihrer Rückkehr nach Berlin ist am Samstagabend oder am Sonntag vormittag zu rechnen. Am Sonntag nachmittag und am Sonntag vormittag wollen sie mit ihren Berliner Missionen in Verbindung treten. Für den Montagabend sind Vorträge der Professoren bei den entsprechenden zwischenstaatlichen Verbänden und nationalen Arbeiterdelegationen ihrer Länder vorgesehen.

Als Begleiter bei den Exkursionen nach Katyn sind von deutscher Seite bestellt:

Herr Dittmer, Kult. Pol. für das Auswärtige Amt

Herr Dr. Stein und Herr Cietz als Vertreter des Reichsgesundheitsführers

Herr Dr. Bahr für das Propagandaministerium

Während der Fahrt beabsichtigen Herr Dittmer und Herr Dr. Bahr festzustellen, in welchem Umfange und in welcher Weise die Professoren in ihrer Gesamtheit oder gesondert für die Propaganda in Rundfunk und Presse einzusetzen sind.

Hiermit

Herrn Gesandten Dr. Schmidt
vorgelegt.

Durchdruck

Herrn Gesandten Braun von Stumm

Herrn Gesandten von Tiedelkirch - Pol. V -

352029

[Translation of Exhibit 36]

[1327/352028]

BERLIN 27 April 1943

Office. P V

Counsellor Dr Starke

On the invitation of the Reich Leader of Health and through the good offices of the German Foreign Office, fourteen well known forensic pathologists from the corresponding number of European countries have arrived in Berlin; tomorrow they will travel to the Katyn graves near Smolensk, where they will work in co-operation with the German Professor Dr Butz of Breslau, in order to make on-the-spot scientific enquiries into the exhumation of the Polish officers. Primarily they are to determine whether the corpses have been buried in Katyn since Spring 1940. The following forensic pathologists are taking part in these enquiries.

Italy: Professor Palmieri

France: Professor Costedoit

Spain: Professor Piga

Switzerland: Professor Naville (Geneva)

Bulgaria: Professor Markoff

Rumania: Professor Dr Birkle (of German origin but completely Roumanian in personality)

Hungary: Professor Orsos

Finland: Professor Saxen

Croatia: Professor Miloslawicz

Belgium: Professor Speleers (Ghent)

Holland: Professor Burlet

Slovakia: Professor Subić

The Protectorate: Professor Hayek

Denmark: Dr Tramsen, First Assistant to Professor Sand of Copenhagen, the chairman of the International League of forensic pathologists, who on grounds of health is unable to go to Smolensk in person but promises to make his assistant's vote his own.

Besides the above mentioned Professor Sand of Denmark the most well-known authorities represented on the Delegation are Professor Orsos of Hungary who seems to be taking on the leadership of the group, but who has unfortunately made himself known today as an enemy of the press, and the 72-year old Spanish Professor Piga, physician in ordinary to the last king and corresponding member

[end of 1327/352028]

[1327/352029]

of the South American Medical Union, a very temperamental old man, a sworn anti-bolshevist, who, thanks to his experiences at the opening of the bolshevist terror graves at the time of the Spanish Civil War, may be particularly valuable for the work of the delegation. The Swiss and particularly the Bulgarian representatives make an more reserved impression.

The European forensic pathologist mentioned above hope to finish their on-the-spot investigations in three days, with a first collective report. Approximately two or three weeks later after a more thorough examination of parts of the corpses in their home countries they will make a further extensive medical Expert Report. Their return to Berlin must be reckoned with on Saturday evening or Sunday morning. On Sunday morning and afternoon they want to get into touch with their Berlin missions. On Monday evening, lectures by the professors are anticipated before the corresponding international societies and national Labour Delegations of their countries.

[Translation of Exhibit 36—Continued]

To accompany the journey to Katyn, the following have been appointed by Germany:

Mr Dittmer, of the Cult Pol Dpt of German Foreign Office

Dr Stein and Mr. Zietz as representatives of the Reich Leader of Health

Dr Bähr representing the Ministry of Propaganda.

In the course of the journey, Mr Dittmer and Dr Bähr intend to ascertain to what extent and in which way, the professors can be engaged collectively or individually for propaganda on the radio and in the press.

Herewith submitted to

Minister Dr Schmidt.

Copies to

Minister Braun von Stumm

Minister von Tippelskirch Dpt Pol V

(Initialed) St(arke) 27/4

[1327/352029]

Mr. FLOOD. I show you now, witness, a document marked for identification as exhibit No. 37 and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated April 30, 1943, and it is a photostatic copy of the protocol signed by the international committee of experts. I made no summary of this document because the committee, I believe, had it in full translation.

Mr. Flood. Exhibit No. 37 is now in evidence.
(Exhibit 37 is as follows:)

EXHIBIT 37

z.Zt. Smolensk, den 30. April 1943

Protokoll

aufgenommen anlässlich der Untersuchung von Massengräbern polnischer Offiziere im Walde von Katyn bei Smolensk, die durch eine Kommission führender Vertreter der Gerichtlichen Medizin und Kriminalistik europäischer Hochschulen und anderer namhafter medizinischer Hochschullehrer durchgeführt wurde.

In der Zeit vom 28. bis 30.4.1943 hat eine Kommission führender Vertreter der Gerichtlichen Medizin und Kriminalistik europäischer Hochschulen und anderer namhafter medizinischer Hochschullehrer die Massengräber polnischer Offiziere im Walde von Katyn bei Smolensk einer eingehenden wissenschaftlichen Untersuchung unterzogen.

Die Kommission bestand aus folgenden Herren:

1. Belgien: Dr. S p e l s e r s , ord. Professor der Augenheilkunde an der Universität Gent,
2. Bulgarien: Dr. M a r k o v , ord. Dozent für gerichtliche Medizin und Kriminalistik an der Universität Sofia,
3. Dänemark: Dr. F r a n s e n , Prosektor am Institut für gerichtliche Medizin in Kopenhagen,
4. Finnland: Dr. S a x é n , ordentlicher Professor der pathologischen Anatomie an der Universität in Helsinki,
5. Italien: Dr. I a l m i e r i , ord. Professor der gerichtlichen Medizin und Kriminalistik an der Universität Neapel,
6. Kroatien: Dr. V i l o s l a v i c h , ord. Professor der gerichtlichen Medizin und Kriminalistik an der Universität Zagreb,
7. Niederlande: Dr. de S u x l e t , ord. Professor der Anatomie an der Universität in Groningen,

EXHIBIT 37—Continued

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8. Protektorat
Böhmen und
Mähren: Dr. H á j e k , ord. Professor der gerichtlichen
Medizin und Kriminalistik in Prag.
9. Rumänien: Dr. B i r k l e , Gerichtsarzt des rumänischen
Justizministeriums und erster Assistent am In-
stitut für gerichtliche Medizin und Kriminali-
stik in Bukarest.
10. Schweiz: Dr. M a v i l l e , ord. Professor der gericht-
lichen Medizin an der Universität Genf.
11. Slowakei: Dr. Š u b i k , ord. Professor der pathologi-
schen Anatomie an der Universität in Preßburg,
Chef des staatlichen Gesundheitswesens der
Slowakei.
12. Ungarn: Dr. O r s ó s , ord. Professor der gericht-
lichen Medizin und Kriminalistik an der Uni-
versität Budapest.

Bei den Arbeiten und Beratungen der Delegation waren ferner
anwesend:

1. der vom Oberkommando der Deutschen Wehrmacht mit der Lei-
tung der Ausgrabungen in Katyn beauftragte ord. Professor
der gerichtlichen Medizin und Kriminalistik an der Univer-
sität Breslau, Dr. S u h t z ,
2. Medizin-Inspekteur Dr. C o s t a d o a t , der vom Chef
der französischen Regierung beauftragt worden war, den
Arbeiten der Kommission beizuwohnen.

Die vor Kurzem zur Kenntnis der deutschen Behörden gekommene
Entdeckung von Massengräbern polnischer Offiziere im Wald von
Katyn bei Smolensk hat den Reichsgesundheitsführer Dr. Conti
dazu veranlaßt, die oben genannten Fachgelehrten aus verschie-
denen europäischen Ländern zur Besichtigung der Fundstelle von
Katyn einzuladen, um zur Klärung dieses einzigartigen Falles bei-
zutragen.

Die Kommission vernahm persönlich einige russische einheimische
Zeugen, die u. a. bestätigten, daß in den Monaten März und April
1940 fast täglich mehrere Eisenbahntransporte mit polnischen
Offizieren auf dem nahe bei Katyn gelegenen Bahnhof Gnesdowo

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E424542

EXHIBIT 37—Continued

- 3 -

ausgeladen, in Gefangenenaufautos nach dem Wald von Katyn transportiert, später nie wieder gesehen wurden; sie nahm ferner Kenntnis von den bisherigen Befunden und Feststellungen und besichtigte die aufgefundenen Beweismstücke. Hiernach sind bis zum 30. 4. 1943 982 Leichen ausgegraben worden. Davon wurden etwa 70 % sofort identifiziert, während die Papiere der Übrigen erst nach sorgfältiger Vorbehandlung zur Identifizierung verwertet werden können. Die vor dem Eintreffen der Kommission ausgegrabenen Leichen sind sämtlich besichtigt, in größerer Zahl auch obduziert worden, und zwar durch Professor Ruhtz und seine Mitarbeiter. Bis zum heutigen Tage wurden 7 Massengräber eröffnet, deren größtes schätzungsweise 2500 Offiziersleichen enthält.

Von den Mitgliedern der Kommission wurden persönlich 9 Leichen obduziert und zahlreiche besonders ausgewählte Fälle einer Leichen-schau unterzogen.

Gerichtlich-medizinische Ergebnisse der durchgeführten Besichtigungen und Untersuchungen.

Als Todesursache der sämtlich bisher ausgegrabenen Leichen wurde ausnahmslos Kopfschuß festgestellt. Es handelt sich durchweg um Genickschüsse, und zwar überwiegend um einfache Genickschüsse, in seltenen Fällen um doppelte Genickschüsse, in einem einzigen Fall um einen dreifachen Genickschuß. Der Einschuß sitzt durchweg tief im Genick und führt in den Knochen des Hinterhauptbeins nahe am Hinterhauptstachel hinein, während der Auschuß in der Regel in der Gegend der Stirn-Haargrenze, in ganz seltenen Fällen tiefer liegt. Es handelt sich durchweg um Pistolenschüsse von einem Kaliber von unter 8 mm.

Aus der Sprengung des Schädels und dem Befund von Pulverschmuck am Hinterhauptknochen in der Nähe des Einschlusses sowie aus der gleichartigen Lokalisierung der Einschlüsse, ist auf Schuß mit aufgesetzter Mündung oder aus unmittelbarer Nähe zu schließen, zumal auch die Richtung des Schußkanals mit wenigen geringen Abweichungen durchweg gleichartig ist. Die auffallende Gleichartigkeit der Verletzungen und der Lokalisation des Einschlusses

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E42643

EXHIBIT 37—Continued

- 4 -

in einem ganz beschränkten Bereich der Hautoberfläche, und auf eine geübte Hand schließen. Bei zahlreichen Leichen konnten gleichartige Fesselungen der Hände und in einigen Fällen auch 4-strahlige Bajonettstiche an Kleidung und Haut festgestellt werden. Die Ausführung der Fesselung entspricht der an Leichen russischer Zivilisten festgestellten Fesselungen, die ebenfalls im Walde von Katyn ausgegraben und schon viel früher begraben wurden. Es wurde ferner festgestellt, daß auch die Handschellen bei den Leichen von Zivilrussen ähnlich zielsicher abgelegt wurden.

Aus der Feststellung eines Querschlägers im Kopfe eines durch Genickschuß getöteten polnischen Offiziers, der nur die äußere Knochenplatte eingedrückt hatte, ist zu schließen, daß durch dieses Geschloß erst ein anderer Offizier getötet worden ist, und daß es nach Austritt aus dessen Körper in die Leiche eines bereits erschossen in der Grube Liegenden eingedrungen ist. Diese Tatsache läßt vermuten, daß Erschießungen offenbar auch in den Gruben stattfanden, um einen Transport zur Grabstätte zu vermeiden.

Die Massengräber befinden sich in Waldlichtungen. Sie sind vollkommen gebohrt und mit jungen Kiefernblümlingen bepflanzt. Nach dem eigenen Augenschein der Kommissionsmitglieder und der Aussage des als Sachverständigen zugezogenen Forstmeisters von H e r f f handelt es sich um wenigstens 5-jährige, im höchsten Maße schlecht entwickelte Kiefernplänzen, die vor 3 Jahren an dieser Stelle gepflanzt wurden.

Die Massengräber sind stufenförmig in das hügelige Gelände, das aus reinem Sand besteht, vorgetrieben. Sie reichen zum Teil bis ins Grundwasser.

Die Leichen liegen fast ausschließlich in Bauchlage dicht neben- und übereinander, an den Seiten deutlich geschichtet, in der Mitte mehr unregelmäßig. Die Beine sind fast immer gestreckt. Es handelt sich offensichtlich um eine systematische Lagerung. Die Uniformen der ausgegrabenen Leichen haben noch übereinstimmender Wahrnehmung der Kommission sämtlich in Ganzen und Einzelnen, insbesondere in Bezug auf Ärmel, Hosenstrangabzeichen, Auszeichnungen, Stiefelformen, Hosenknöpfe usw. die eindeutigen Kennzeichen polnischer Uniformen. Es handelt sich

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F124311

EXHIBIT 37—Continued

- 5 -

an Winterbekleidung; Mäntel, finden sich Pelze, Lederjacken, Strickwesten, Offiziersstiefel, typische polnische Offiziersmützen. Bei ganz wenigen Leichen handelt es sich nicht um Offiziere, in einem Fall um einen Geistlichen. Die Teile der Kleidung entsprechen dem Maßen der einzelnen Körper. Die Unterbekleidung ist ordnungsgemäß zugeknöpft, Hosenträger, Gürtel ordnungsgemäß angebracht. Daraus ergibt sich, daß die Leichen in den von ihnen bis zum Tode getragenen Uniformen verscharrt wurden.

E421315

Bei den Leichen befinden sich keine Uhren und Ringe, obwohl Uhren nach den mit genauen Zeitangaben versehenen Aufzeichnungen verschiedener Tagebücher bis in die letzten Tage und Stunden vorhanden gewesen sein müssen. Edelmetallgegenstände wurden nur in verborgener Lage bei ganz wenigen Leichen entdeckt. Ingegnen fanden sich bei vielen Leichen noch Goldzähne im Kiefer. Polnische Zigaretten wurden in größeren Mengen vorgefunden, in nicht seltenen Fällen auch Wechselgeld. Ferner fanden sich polnische Zigaretten- und Streichholzschachteln bei den Toten, in einigen Fällen auch Tabakstößen und Zigarettenspitzen mit der Gravur „Kosciuszko“ (Namen des letzten sowjetischen Gefangenenerläßers der zweiten Emigration). Die bei den Leichen vorgefundenen Dokumente (Tagebücher, Briefschaften, Zeitungen) stammen aus der Zeit von Herbst 1939 bis März und April 1940. Das letzte bisher festgestellte Datum ist das einer russischen Zeitung vom 22.4.1940.

Es finden sich verschiedene Grade und Formen der Verwesung, die durch die Lagerung der Leichen innerhalb der Grube und zueinander bedingt sind. Neben Kennzeichnung an der Oberfläche und an den Rändern der Leichenmasse findet sich feuchte Mazeration in der mittleren Teil der Leichenmasse. Die Verklebung und Verwischung der benachbarten Leichen durch eingedickte Leichenflüssigkeit bedingt die durch die Fäulnis bedingten korrespondierenden Deformationen weisen entschieden auf primäre Lagerung hin.

Es fehlen gänzlich an den Leichen Insekten und Insektenreste, die zur Zeit der Einschlachtung stammen könnten. Hieraus ergibt sich, daß die Einschließungen und die Einschlachtungen in einer kalten, insektenfreien Jahreszeit geschehen sein müssen.

Eine größere Rolle vor Schluß wurden auf eine Veränderung unterworfen, die nach Erfahrungen von Professor Osada zur Bestimmung der Zeit des Todes von großer Wichtigkeit ist. Es handelt sich hierbei um eine kalktuffartige mehrschichtige Inkrustation an der Oberfläche des schon lehnartig homogenisierten Gehirns.

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EXHIBIT 37—Continued

- 6 -

breite. Solche Erscheinungen sind bei Leichen, die weniger als 3 Jahre im Grabe gelegen haben, nicht zu beobachten. Ein derartiger Zustand fand sich u.a. in einer sehr ausgeprägten Form im Schädel der Leiche Nr. 526, die an der Oberfläche eines großen Massengrabes geborgen wurde.

Zusammenfassendes Gutachten:

Im Walde von Katyn wurden von der Kommando des Massengrabes von polnischen Offizieren untersucht, von denen bisher 7 geöffnet sind. Aus diesen wurden bisher 982 Leichen geborgen, untersucht, zum Teil obduziert und zu 70 % identifiziert.

Die Leichen wiesen als Todesursache ausschließlich Denick-schüsse aus. Aus den Zeugenaussagen, den bei den Leichen aufgefundenen Briefschaften, Tagebüchern, Zeichnungen usw. ergibt sich, daß die Erschießungen in den Monaten März und April 1940 stattgefunden haben. Hiermit stehen in völliger Übereinstimmung die im Protokoll geschilderten Befunde an den Massengräbern und den einzelnen Leichen der polnischen Offiziere.

[Signature]
(Dr. Spelcers)

[Signature]
(Dr. Markov)

[Signature]
(Dr. Trausen)

[Signature]
(Dr. Sarin)

[Signature]
(Dr. Polniski)

[Signature]
(Dr. Wilosavich)

[Signature]
(Dr. de Burlet)

[Signature]
(Dr. Majek)

[Signature]
(Dr. Birks)

[Signature]
(Dr. Neville)

[Signature]
(Dr. Subik)

[Signature]
(Dr. Orsós)

[Signature]

E821616

[Translation of Exhibit 37]

PROTOCOL OF THE INTERNATIONAL MEDICAL COMMISSION

SMOLENSK, 30 April 1943

PROTOCOL,

drawn up on the occasion of the examination of the mass graves of Polish officers in the Katyn wood near Smolensk, which was carried out by a commission composed of leading exponents of Medical Jurisprudence and Criminology at European universities and of other renowned medical professors.

In the period from 28 to 30 April 1943, a commission composed of leading exponents of Medical Jurisprudence and Criminology from European universities and of other renowned medical professors subjected the mass graves of Polish officers in the Katyn wood near Smolensk to a thorough scientific examination.

The Commission consisted of the following men:

1. Belgium: Dr. Speleers, Professor in Ordinary of Ophthalmology at the University of Ghent
2. Bulgaria: Dr. Markov, lecturer in Medical Jurisprudence and Criminology at the University of Sofia
3. Denmark: Dr. Tramsen, Prosecutor at the Institute of Medical Jurisprudence in Copenhagen
4. Finland: Dr. Saxén, Professor in Ordinary of Pathological Anatomy at the University of Helsinki
5. Italy: Dr. Palmieri, Professor in Ordinary of Medical Jurisprudence and Criminology at the University of Naples
6. Croatia: Dr. Miloslavich, Professor in Ordinary of Medical Jurisprudence and Criminology at the University of Agram
7. Netherlands: Dr. de Burlet, Professor in Ordinary of Anatomy at the University of Groningen.
8. Protectorate of Bohemia and Moravia: Dr. Hajek, Professor in Ordinary of Medical Jurisprudence and Criminology at Prague
9. Roumania: Dr. Birkle, Medico-legal Adviser to the Roumanian Ministry of Justice and First Assistant at the Institute of Medical Jurisprudence and Criminology in Bucharest
10. Switzerland: Dr. Naville, Professor in Ordinary of Medical Jurisprudence at the University of Geneva
11. Slovakia: Dr. Subik, Professor in Ordinary of Pathological Anatomy at the University of Bratislava, Head of the Public Health Department of Slovakia
12. Hungary: Dr. Orsos, Professor in Ordinary of Medical Jurisprudence and Criminology at the University of Budapest.

During the work and consultations of the Delegation there were further present the following:

1. Dr. Buhtz, Professor in Ordinary of Medical Jurisprudence and Criminology at the University of Breslau, delegated by the Supreme Command of the German Army to direct the exhumations at Katyn,
2. Dr. Costedat, Medical Inspector, delegated by the Head of the French Government to attend the work of the Commission.

The discovery of mass graves of Polish officers in the Katyn wood near Smolensk, recently come to the notice of the German authorities, has caused Dr. Conti, Reich Health Leader, to invite the above-named experts from different European countries to inspect the place of discovery in Katyn, in order to assist in the clarification of this unique case.

The Commission personally examined some Russian witnesses, inhabitants of the Katyn district, who stated i. e., that in the months of March and April 1940 large rail transports of Polish officers were detained almost daily at the station at Gnesdowa near Katyn, transported to the Katyn wood in prisoners' trucks, and were later never seen again; the Commission further took note of the findings and discoveries made so far and inspected the evidence which had been found. According to these, by 30 April 1943 982 corpses were disinterred. Of these, about 70 per cent were immediately identified, while the papers of the others can be used for identification purposes only after careful preliminary treatment. The corpses disinterred before the arrival of the Commission were

[Translation of Exhibit 37—Continued]

all inspected and to a great extent also dissected by Professor Buhtz and his collaborators. Up to the present, seven mass graves have been opened, the biggest of which contains as far as can be judged 2500 officers' corpses.

Nine corpses were dissected by the members of the Commission personally, and numerous specially selected cases were subjected to an autopsy.

MEDICO-LEGAL RESULTS OF THE INSPECTIONS AND EXAMINATIONS CARRIED OUT

In all the corpses so far disinterred, the cause of death has been without exception established as due to shots in the head. It is a question throughout of shots in the nape of the neck and indeed predominantly of single shots in the nape of the neck, in a few cases of two shots in the nape of the neck, and in one single case of a three shots in the nape of the neck. The entry-hole of the bullet is without exception situated low at the nape of the neck and goes into the bone-structure of the occipital bone near the foramen magnum, while the place of exit of the bullet lies, as a rule, in the region of the frontal hair-line and only in very rare cases, lower down. Without exception the shots are from pistols of a calibre of less than eight millimeters.

From the blasting of the skull and the findings of powdermarks at the occipital bone near the place of entry of the bullet and also from the similarity in the position of the entry shot, it can be concluded that the shot was fired at point-blank or at very close range especially as the direction of the bullet track is, with very few deviations always the same. The remarkable similarity of the injuries and the position of the entry-shot within a very restricted area in the occipital region, indicate a practised hand. In numerous corpses the tying of the hands in identical fashion and in a few cases also four-edged bayonet-wounds in clothing and skin could be established. The method of tying corresponds with that discovered on the corpses of Russian civilians who were also disinterred in the Katyn wood and had been buried much earlier. * * *

* * * There are different stages and types of decomposition, conditioned by the arrangement of the corpses inside the pit and with relation to each other. There is mummification at the surface and the edges of the mass of corpses and, in the middle of this mass, liquid decomposition. The coagulation and congealing together of neighbouring corpses by congealed liquid from the corpses, particularly the malformations corresponding to and conditioned by reciprocal pressure, indicate beyond doubt contemporaneous burial.

SUMMARIZED CONCLUSIONS

In the Katyn wood, mass graves of Polish officers were examined by the Commission, seven of which have so far been opened. From these, 982 corpses have so far been recovered, examined, partly dissected, and 70 percent identified.

The corpses show exclusively that death was due to shots in the nape of the neck. From the statements of witnesses, letters, diaries, newspapers etc. found on the corpses, it is concluded that the shootings took place in the months of March and April 1940. The findings at the mass graves and in individual corpses of the Polish officers, as described in the Protocol, are in complete accordance with this.

(sgd.) DR. SPELEERS	DR. HAJEK
DR. SAXÉN	DR. SUBIK
DR. DE BURLET	DR. TRAMSEN
DR. NAVILLE	DR. MILOSLAVICH
DR. MARKOV	DR. BIRKLE
DR. PALMIERI	DR. ORSOS

Mr. FLOOD. I show you a document marked for identification as exhibit No. 38 and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated April 30, 1943, from an official on the personal staff of the foreign minister, Megerle, to German missions in Stockholm, Ankara, and Bern. In order to make difficulties between the British and Russians, it is directed that word be sent around that the British inspired the Polish appeal to the Red Cross.

Mr. FLOOD. Exhibit 38 is in evidence.
(Exhibit No. 38 is as follows:)

EXHIBIT 38

Telegramm
(G-Schreiber)

Sonderzug, den 1. Mai 1943- 13.55 Uhr
Ankunft: " 1, " " - 14.20 "

Nr. 564 vom 30.4.43.

G e h e i m !

Geheime Reichssache.

1. Telke
2. Diplogerma Stockholm, Ankara, Bern
3. V'Stelle BFP.

Telegramm Geh.Ch.V. ("Geheimvermerk für geheime Reichssachen (M.B.D. 36 II)")

Nachdem es gelungen ist, den polnisch-sowjetischen Gegensatz zum offenen Ausbruch zu bringen, ist es noch wichtiger, in Anknüpfung an diese Aktion das Misstrauen zwischen England und der Sowjetunion zu verstärken. Dies könnte dadurch geschehen, dass unterstellt wird, dass die englische Regierung die Polen zu der bekannten Note an das Rote Kreuz aufgestachelt habe.

Ich bitte, als Flüsterpropaganda zu diesem Zweck folgenden Gedankengang zu vorbereiten: In Kreisen der dortigen polnischen Vertretung bzw. polnischer Emigranten ist man entrüstet darüber, dass von englischer Seite die Schuld an dem Zerrwürfnis Polen zugeschoben wird, das durch seine Note an das Rote Kreuz die Sowjetunion herausgefordert habe. In Wirklichkeit sei dieses Vorgehen nicht nur mit Wissen, sondern sogar auf vertrauliche Anregung durch die englische Regierung beschlossen worden. Diese habe vor allem gewusst und den Schritt gebilligt, um so enttäuschter sein zu lassen, dass man nachträglich gestadelt und fallen gelassen werde.

Deutscher Ursprung dieser Flüsterpropaganda darf nicht erkennbar werden. Es ist

33738 auszutreiben

Rüsch

Vermerk.

Tel. weitergel. an Diplogerma Stockholm unter Nr. 322, an Ankara unter Nr. 670 an Bern " " 953
Tel. Contr. d. 1.5.43.

El. S. Koppeler
U.S.A. Pol.
U.S.A. 72
Stauch. Feller

Leider Att. Pers.

" " Ha. Pol.
" " Hoffmann
" " Fester
" " Kordtke
" " etc.

Chas. Feller

Chas. Feller

Dies ist Exemplar Nr.

EXHIBIT 38—Continued

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anzustreben, dass dieser Gedankengang möglichst bald in einer dortigen, aber nicht deutschfreundlichen Zeitung oder im Rundfunk auftaucht.

Eventuelle Presse- und Rundfunkstimmen bitte ich zurückzumelden.

Zusatz für Stockholm und Ankara:

Der Gedankengang ist möglichst rasch durch geeignete Mittelsleute an die Tass- oder Sowjetvertreter heranzubringen.

Zusatz nur für Stockholm:

Es kann ferner die Nachricht lanciert werden, dass die Schärfe der Molotownote damit zusammenhängt, dass Stalin von den englischen, u.a. auch in Adams entwickelten Plänen, die osteuropäischen Staaten zu einer Sicherheitszone zusammenzufassen, erfahren habe. Er habe mit dieser Note auch gegenüber England ein Exempel statuieren und andeuten wollen, dass er jede solche Kombination zu zerschlagen entschlossen sei.

Megerle

33739

[Translation of Exhibit 38]

[50/33738]

[Telegram]

(G. Schreiber)

Secret
To be handled as
secret material

Special Dispatch 1st May 1943 13 hrs. 55

Arrival 1st May 1943 14.20 hrs.

No. 564 of 30.4.43.

*Secret!**State Secret*

1. Telko
2. Diplogerma Stockholm, Ankara, Bern.
3. V' Stelle B. F. P.

Telegram Secret Code Procedure (Secret stamp for state secrets (M. B. D. 36 II))

[Remark:]

Repeated to Diplogerma
Stockholm under No. 822
Ankara under No. 670
Bern under No. 953.
Telegram contr. 1.5.43.

After we have succeeded in bringing the Polish-Soviet hostility into open breach, it is the more important in referring to this action to strengthen the mistrust between England and the Soviet Union. This could take place by insinuating that the English Govt. incited the Poles to send their well-known note to the Red Cross.

I request you with this end to spread the following line of thought as whisper-propaganda: In circles of the local Polish representation or emigration there is irritation that the blame for the dissension should be put on the Poles, for provoking the Soviet Union by their note to the Red Cross. In actuality this action was taken not only with the knowledge but also at the secret suggestion of the English Govt. This last knew in advance and approved the step, leaving the Poles the more shocked that they should afterwards be abandoned and reproached.

The German origin of this whisper-propaganda must not be recognisable.

[end of sheet 50/33738]

[50/133739]

You should aim at getting this line of thought taken up as soon as possible in a local, but not pro-German, newspaper or on the radio.

Please report any press or radio discussion resulting from your efforts.

Postscript for Stockholm and Ankara:

This line of thought is to be brought as quickly as possible through suitable middlemen to the Tass or Soviet correspondents.

Postscript for Stockholm only:

The information can be advanced further that the acerbity of the Molotov note is to be connected with the fact that Stalin has learnt of the English plan developed among other places in Adana, to combine the east-European states into a security zone. With this note he has intended to give an example to England and to make clear that he is resolved to break up any such combination.

MEGERLE.

[50/33739]

Mr. FLOOD. I now show you a document marked for identification as exhibit No. 39 and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 8th of May 1943, from the legation in Budapest to the foreign ministry. Orsos has been strongly impressed by what he saw and is convinced that the executions took place in April or May 1940. He will deliver a scientific lecture, but declines to speak on the radio or to write for the newspapers, since this might undermine the authority of what he says in his capacity as a scientist.

Mr. Flood. Exhibit No. 39 will be in evidence.

(Exhibit 39 is as follows:)

EXHIBIT 39

Telegramm

(G - Schreiber)

Budapest, den 8. Mai 1943, 16,40 Uhr

Ankunft: " 8. Mai 1943, 17,45 Uhr

Nr. 856 vom 9.5.43.

*) Ru 2410

Auf Multex Nr. 415*) vom 5.5.

Professor Orsos ist mit den stärksten Eindrücken von der Untersuchung der Gräber von Katyn nach Budapest zurückgekehrt. Er erzählt, dass das Erlebte die bisherigen Berichte darüber weit übertrüfe. Auf Grund genauer wissenschaftlicher Prüfung sei unwiderlegbar festgestellt worden, dass die Ermordungen in den Monaten April oder Mai 1940 erfolgt seien. Da Orsos sehr weitverzweigte Beziehungen unterhält, ist sein Urteil über Katyn bereits in weiten hiesigen Kreisen, besonders der Politik und Wissenschaft, bekannt geworden und hat dank seiner wissenschaftlichen Autorität überall einen starken Eindruck hinterlassen. Er beabsichtigt, demnächst einen wissenschaftlichen Vortrag über das Ergebnis der Untersuchung in Katyn vor einer Sachverständigen-Zuhörerschaft zu halten und einen Aufsatz darüber in der deutschen kriminalistischen Zeitschrift zu veröffentlichen. Der Anregung, den Fall von Katyn

auch in der Presse oder im Rundfunk zu behandeln, möchte er aber nicht stattgeben und begründet seine Stellungnahme damit, dass er fürchte, durch irgendeine politisch-propagandistische Ausnutzung des Gutachtens seine Autorität selbst zu diskreditieren und damit auch das Gutachten zu entwerten. Man habe ihm in Berlin dafür besonders gedankt, dass es seinen Bemühungen gelungen sei, ein sehr ernstes, würdiges und jeder wissenschaftlichen Kritik standhaltendes Gutachten zustande zu bringen. Eine propagandistische Verwertung seiner Erfahrungen und Beobachtungen würde aber seiner Ansicht nach den Wert des Gutachtens vermindern. Deshalb glaube er im Interesse der Sache, davon absehen zu sollen. Werkmeister

September 19431943

1. MAI

2. MAI

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352033

EXHIBIT 39—Continued

Deutsches Konsulat

Genf, den 6. Mai 1943.

K.Nr. 708

Inhalt: Beteiligung von Prof. François NAVILLE,
Genf, an der Beratungskommission in Katyn.

3 Doppel.

Deutsches Konsulat Genf	
Eingangsnummer	Abgangsnummer
6. MAI 1943	
A. Nr. 2295	
Telegraph	

Das Auswärtige Amt hat hier telegrafisch angefragt, ob Prof. N a v i l l e geneigt sei, sich über seine Eindrücke in Katyn im Rundfunk zu äussern. Daraufhin hat das Konsulat nach Rücksprache mit dem Genannten dem Auswärtigen Amt telegrafisch berichtet, dass Herr Prof. Naville lediglich beabsichtige, im Kreise seiner Fachgenossen gelegentlich einen Vortrag über seine Erfahrungen in Katyn zu halten und im Übrigen in der Öffentlichkeit oder im Rundfunk sich nur dann zu äussern, wenn die Tätigkeit der Kommission und die Ergebnisse der Untersuchungen in der Öffentlichkeit falsch dargestellt würden.

Entf.

HE 524/5

An
die Deutsche Gesandtschaft

Bern.

F 12

E424534

H. Kuntzsch 11. R.

Reichmann 9

[Translation of Exhibit 39]

[1327/352033]

[Telegram]

[Code dispatch]

Budapest the 8 Mai 1943 16,40 Hrs
 Arrival the 8 Mai 1943 17,45 Hrs

Nr 856 of 8.5.43.

Ref Multex No 415 † of 5.5.

Professor Orsos returned to Budapest with the strongest impressions of his examinations of the graves in Katyn. He related that the experience widely surpassed the hitherto existing reports. On the grounds of exact scientific proof, it was irrefutably established that the murders took place in April or May 1940. As Orsos maintains far-reaching connections here, his judgment on Katyn has become known extensively in local circles, particularly those of politics and science, and thanks to his scientific authority has made a strong impression everywhere. He intends shortly to give a lecture to an expert audience on the results of the investigations in Katyn, and to publish a paper about them in the German Criminological Journal. The suggestion that he should discuss the Katyn case in the press or on the radio is one that he will not allow, and he bases his position on the fear that he would discredit his own authority through any exploitation of the Expert Report for purposes of political propaganda and that, with this, the Expert Report would also lose in value. In Berlin he was especially thanked for succeeding in his endeavour to achieve a very serious and dignified Expert Report, able to withstand any scientific criticism. Any use of his experiences and observations for propaganda purposes would in his opinion however, diminish the value of the Expert Report. For this reason he intends, in the interests of the matter, to abstain from any such action.

WERKMEISTER.

†Ru 2410.

[1327/352033]

[Stamped on face
 of original:]
 German Legation
 Bern
 Arrival
 8 May 43
 A Nr 2295.

GERMAN CONSULATE

K. Nr. 708

GENEVA the 6 Mai 1943

Subject: Participation of Professor François NAVILLE Geneva, in the Medical Commission at Katyn.

3 Copies

The German Foreign Office has enquired here by telegram, whether Professor Naville would agree to talk about his impression of Katyn on the radio. Thereupon the Consulate, after consultation with Professor Naville reported to the German Foreign Office by telegram that Professor Naville only intends to hold an occasional lecture in the circle of his colleagues on his experience at Katyn, and only to express his opinion in public or on the radio, if the activity of the Commission and the results of the investigations should be wrongly represented in public.

KRAUEL.

To the German Legation
 Bern.

[5827/E. 424334]

Mr. FLOOD. I now show you a document marked for identification as exhibit No. 40 and I ask you to describe what it is and give your summary of it.

Dr. Sweet. This is dated the 15th of May 1943, from the State secretary, Steengracht, to German missions abroad. This is an information telegram describing the propaganda success achieved by the Germans in the Katyn affair and the repercussions on the relations between the Allied Governments of the United States, Great Britain, Russia, and Poland.

Mr. Flood. Exhibit 40 is now in evidence.

(Exhibit 40 is as follows:)

EXHIBIT 40

Datum: 17. Mai 1943 Eingegangen: 17. Mai 1943 Nr. 2448 Fiktionszeichen:	
Telegramm	
Abgang aus Berlin, den 16. Mai 1943 18 Uhr 40 min. DSZ Ankunft in Bern, den 16. Mai 1943 18 Uhr 00 min. MEZ	spezifiziert: --- Chiffre Verfahren: Sonder-G. Schr.
Beprogramm Bern	
Nr. Multex 459 vom: 15.5. - Sonder-G. Schr. - Geheim - 41	
Zur Information und Sprachregelung. - E424551	
<p>Entdeckung Massengräber polnischer Offiziere bei Smolensk erregte in Weltöffentlichkeit und insbesondere bei polnischer Emigration aussergewöhnliches Aufsehen. Nachdem sich sowohl Deutsches Rotes Kreuz als auch polnische Emigranten-Regierung in London an Internationales Rotes Kreuz mit Bitte um Aufklärung durch Entsendung Delegation gewandt hatten, benutzte Sowjetregierung, die bereits seit längerer Zeit hauptsächlich wegen Frage polnischer Ostgrenze in sehr gespannten Beziehungen zur polnischen Emigranten-Regierung stand, Gelegenheit, eigener Auffassung von Zugehörigkeit Ostpolens zur Sowjetunion Geltung zu verschaffen, und sich unbequemer Sikoreki-Regierung zu entledigen, indem sie am 25.4.1943 diplomatische Beziehungen zur polnischen Emigranten-Regierung abbrach. Durchschlagendem deutschen Propagandaserfolg hatten Sowjets nichts anderes als Märchen von "archäologischen Gräberfunden" und durch antliche Protokolle, ausländische Journalisten und neutrale Gerichtsmediziner widerlegte Lüge entgegenzusetzen, dass polnische Offiziere von Deutschen ermordet worden seien. In Erkenntnis unerwünschter Konsequenzen, die Abbruch Beziehungen zwischen Sowjetunion und polnischen Emigrantenregierung nicht nur auf polnisch-sowjetisches, sondern auch auf eigenes Verhältnis zur Sowjetunion haben musste sowie wegen ungünstiger Wirkung auf andere kleinere Staaten in Betracht Atlantik-Charta setzten britische und nordamerikanische Regierung sofort mit lebhaften Bemühungen zur Beilegung Konfliktes ein. Als Ergebnis abgab polnische Emigrantenregierung Erklärung, die in Form gemässigt, dem Inhalt nach jedoch intransigent war. Sie umging Frage Po-</p>	

EXHIBIT 40—Continued

- 2 -

zu Maltex 459 vom 15.5.43

Befassung Internationalen Roten Kreuzes, unterstrich aber Integrität und völlige Souveränität polnischer Republik, verwies auf polnisch-sowjetische Abmachungen vom 30.7.1941 und wiederholte frühere Forderungen, die in Sowjetunion befindlichen Polen frei zu lassen sowie Hilfsaktion für sie fortzusetzen. -

Weitere Vermittlungstätigkeit wurde dadurch erspart, dass einmal polnische Regierung in eigentlicher Streitfrage, nämlich der Ostgrenze Polens ohne sich selbst aufzugeben, nicht entgegen kommen konnte, dass ferner englische Regierung die ostpolnischen Gebiete den Sowjets bereits zugestanden hatte und schliesslich Sowjetregierung keinerlei Anlass sah, auf ihre Ansprüche zu verzichten. Bewährungs bewirkten lediglich zweideutige Äußerungen Stalins im Schreiben an Times-Korrespondenten und Erklärung Sikorskis dazu, die an grundsätzlicher Stellungnahme der beiden Parteien nichts änderten. Aggressive Erklärung Wyschinskis vor Vertretern britischer und nordamerikanischer Presse mit Beschuldigungen gegen polnische Regierung wegen Evakuierung polnischer Armee aus Sowjetunion und Spionage polnischer Beamter sowie Genehmigung Gesuchs polnischer Kommunistengruppe zur Aufstellung einer "Polnischen Division" in Sowjetunion komplizierten sogar Lage und riefen in England und Nordamerika peinliche Enttarnung hervor. -

Polnisch-sowjetischer Konflikt ist eklatantes Beispiel für zwischen alliierten Mächten bestehende Differenzen. Vorgeschau Sowjetregierung beweist, dass sie ihr Ziel der Bolschewisierung Polens und darüber hinaus Europas sowie ihren unmittelbaren Führungsanspruch in Ost- und Südosteuropa unentwegt weiter verfolgt und dass Hoffnungen polnischer und übriger Londoner Emigrantenregierungen auf wirksame Unterstützung durch England und Vereinigten Staaten völlig illusorisch sind. -
Kriegsgeheimhaltung, =.

Staatsrecht +

E124332

[Translation of Exhibit 40]

[5827/E424331]

[Stamped on face of copy:]
 German Embassy Bern
 Arrival
 17 May 43
 File No 2440
 Annexes None

[Telegram]

Dispatch from Berlin on 16 May 1943 18 Hrs 40 Min German Summer Time

Arrival at Berne on 16 May 1943 18 Hrs 00 Min Central European Time

decoded: ---- Code Procedure: Special Secret Script.

Nr. Multex 459 of 15.5. Special Secret Script. Secret

For information and use in diplomatic conversation.

The discovery of the mass graves of Polish officers near Smolensk aroused an extraordinary sensation in world public opinion, and particularly among the Polish emigration. After the German Red Cross, as well as the Polish Emigré Government in London applied to the International Red Cross with a request for investigation by the dispatch of a delegation, the Soviet Government, whose relations with the Polish Emigré Government had been strained for some time, chiefly over the question of the Polish East Frontier, used the opportunity to procure recognition for its own view that East Poland formed part of the Soviet Union, and to free itself from the unwelcome Sikorski Government by breaking off diplomatic relations with the Polish emigré Government on 25.4.43. Against the powerful and successful German propaganda the Soviets have opposed nothing else than a fairy tale of "Archaeological grave-discoveries" and lies, repeated through official declarations, foreign journalists and neutral forensic pathologists, that the Polish officers were murdered by the Germans. In recognition of the undesirable consequences that the break of relations between the Polish Emigré Government and the Soviet Union would have, not only on Polish-Soviet relations, but also on their own relations with the Soviet Union, as well as the unfavourable effects on other smaller states in view of the Atlantic Charter, the British and North American governments have made urgent efforts to settle the conflict. As a result the Polish Emigré Government published a statement, that in form was restrained, but in content remained intransigent. They avoided the question

[end of sheet 5827/E424331]

of the employment of the International Red Cross, but emphasised the integrity and full sovereignty of the Polish Republic, referred to the Polish-Soviet Agreements of the 30.7.41 and the 4.12.41., and repeated their previous demands that the Poles to be found in the Soviet Union should be released and a relief programme for them be put into action.

Further mediatory activities were spared them in that, in the first place, the Polish Government, in the true point at issue, namely the East Frontier of Poland, could not make any concessions, without destroying itself; further, the English Government had already conceded the east Polish territories to the Soviets, and finally, the Soviet Government saw no reason to waive its claims. Further diplomatic efforts merely brought about Stalin's ambiguous statement in his letter to the Times Correspondent, and Sikorski's comment, neither of which altered the fundamental attitudes of the two parties. Vyschinski's aggressive remarks before representatives of British and North American Press with

accusations against the Polish Government over the evacuation of the Polish Army from the Soviet Union and the espionage of a Polish official, as well as the application by the Polish Communist Group, which was granted, to raise a "Polish Division" in the Soviet Union even complicated the situation and brought about painful disappointment in England and North America.

The Polish-Soviet conflict is an outstanding example of the existing differences between the allied powers. The attitude of the Soviet Government proves that she is steadfastly moving towards the goal of bolshevising Poland and, beyond that, Europe as well as her claims to direct supremacy in East and South East Europe, and that the hopes of the Polish and other London emigré governments of active support through England and the United States are completely illusory.

Please acknowledge receipt of Telegram.

STEENGRACHT.

Mr. FLOOD. I show you a document marked for identification as exhibit No. 41, and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 21st of May 1943, from the head of the Cultural Policy Department, Six, to the Legation in Bern. This is a list of the Poles identified at Katyn. There are additional lists, unfiled, in the same file.

Mr. FLOOD. Exhibit No. 41 is now in evidence.

(Exhibit 41 was not included in the published record because it contains names of victims buried in Katyn which already appear in Exhibit 5A, Part 3, Chicago hearings. Exhibit 41, however, will remain as part of the committee's permanent file.)

Mr. FLOOD. I now show you a document marked for identification as exhibit No. 42 and I ask you to describe what it is and give your summary of it.

Dr. SWEET. This is dated the 17th of July 1943, from the Foreign Minister, Ribbentrop, to the Embassy in Madrid: Instructions to tell Jordana, the Spanish Foreign Minister, and Franco, that the German Government finds it incomprehensible that the Spanish Government should have influenced Dr. Piga to say that he could not take part in the investigation after all because of sickness.

Mr. Flood. Exhibit No. 42 is now in evidence.
(Exhibit 42 is as follows:)

EXHIBIT 42

Mar 20
Verschickungs-
zu befehlen.

Telegramm
(4-Sender)

Berlin, den 17. Juli 1943 15.00 Uhr

Ankunft: " 17. " " 17.15 "

V. AMERIK.

Gen. No. 1340 an
Diplomaten Madrid
abgegeben
Tel. Nr. 17.7.

BRAN 291/R

Nr. 1293 v. 17.7.

Eniko

An Diplomaten Madrid

Telegramm in Ziffern

(Sch. Oh. V.)

Für Botschafter persönlich.

Ich bitte Sie bei nächster Gelegenheit beim
ausgesandten Graf Jordana und auch bei General
Munoz Grande, bei diesen zur Weitergabe an Ge-
neralissimus Franco, das Gespräch darauf zu bringen,
dass zu unseren Bedauern in der Ärztekommission zur
Besichtigung der Messengrüber von Katyn, die sich
aus anerkannten Kapazitäten verbündeter, befreund-
eter und neutraler Staaten zusammengesetzt habe,
Spanien nicht vertreten war. Zwar hätte Spanien den
Gerichtsmediziner Professor Dr. Figa nach Berlin
entsandt. Dieser hätte auch ein grosses Interesse
am Besuch der Messengrüber bekundet. Nach einem
Besuch beim spanischen Botschafter in Berlin hätte
er aber plötzlich erklärt, dass er aus Gesundheits-
gründen nach Madrid zurückkehren müsse. Wir hätten
gehört, dass es sich hier um eine diplomatische
Krankheit gehandelt, und dass ihm der spanische
Botschafter im Auftrag des spanischen Auswärtigen
Ministeriums die Reise nach Katyn untersagt habe. Die
Ärztekommission Dr. Figa hätte zur Folge gehabt, dass das
uns befreundete Spanien an der Konstatierung der
geradezu ungeschwätzlichen bolschewistischen Metho-
den nicht beteiligt gewesen wäre, was allgemein auf-
gefallen sei. Dies wäre umso bedauerlicher, als nicht
nur verbündete und befreundete, sondern auch neutrale
Staaten - wie z.B. die Schweiz - bekannte Ärzte

nach

64978

St. S. Kappeler
U. S. S. R.
Botschafter Madrid
Botschafter Gaus
Botschafter Pers

" " Hs. Pol
" " Recht
" " Kull. Pol
" " Proben
" " Punktum

Chief Prod
Og. Pol
St. Laker Int. I
St. Laker Int. II
St. Laker Int. III

Gen. Schwabe
Gen. v. Brumby
L. R. Kitchener
Dr. Wengert

Aut. Pol

17.7.43

EXHIBIT 42—Continued

- 2 -

nach Katyn entsandt hätten. Diese hätten auch ihre Unterschrift unter das Protokoll gesetzt, in dem die bolschewistischen Greuel mit wissenschaftlicher Genauigkeit festgelegt worden seien.

Ich bitte Sie, bei Ihrer Unterredung durchzublicken zu lassen, dass uns die spanische Handlungsweise einfach unverständlich sei, denn wir könnten doch nicht annehmen, dass sich die spanische Regierung scheue, die bolschewistischen Greuel feststellen zu lassen, während andererseits die schweizer Regierung keine Bedenken dagegen gehabt habe, einen ihrer Ärzte nach Katyn zu entsenden, oder dass die spanische Regierung der Aufdeckung bolschewistischer Greuel habe entgegenwirken wollen.

Über die Aufnahme Ihres Gesprächs bitte ich zu berichten.

Ribbentrop

64079

[Translation of Exhibit 42]

[Telegram]

To be handled as
secret matterSpecial dispatch of 17 July 43 16.00 Hrs
Arrival 17 July 43 17.15 Hrs*Comment:*
Relayed to
Diplogerma Madrid
as No. 3340.
Tel(ephone) Control. 17.7.BRAM/291/R Tel(ephone) Co(ontrol)
To Diplogerma Madrid
Telegram in code.
Secret Code Procedure.

Personal for Ambassador.

I request you at the next opportunity to bring to the notice of Foreign Minister Count Jordana and also General Munoz Grandes, for the attention of General Franco, our regrets that Spain was not represented in the Medical Commission composed of representatives of allied, friendly and neutral states, whose authority is recognised. It is true that Spain sent the forensic pathologist Professor Dr. Piga to Berlin. He showed great interest in visiting the mass-graves. After a visit to the Spanish Ambassador in Berlin he suddenly declared that, on grounds of health, he had to return to Madrid. According to our information this illness was of a diplomatic character, the Spanish Ambassador on instruction from the Spanish Foreign Minister, having forbidden him the journey to Katyn. The return (to Madrid) of Dr Piga had the consequence that friendly Spain did **not** take part in the confirmation of the atrocities of Bolshevism, which was the subject of general comment. This was more to be regretted in that, not only allied and friendly states, but also neutrals—as for example Switzerland—sent recognised medical authorities

[end of sheet 88/64078]

[88/64079]

to Katyn. These also set their signatures to the document in which the Bolshevik atrocities were delineated with scientific accuracy.

I request you, at this conversation to suggest that the Spanish behaviour is **completely** unintelligible to us, as we cannot believe that the Spanish Government is afraid to establish the facts of the Bolshevik atrocities, while the Swiss on the other hand have no objection to sending one of their medical authorities to Katyn, or that the Spanish Government wants to prevent the revelation of Bolshevik atrocities.

Please report on the reception of your demarche.

RIBBENTROP.

[sheet 88/64079]

Mr. FLOOD. I might say, doctor, that the committee realizes the extensive work and the great time and effort that you and your associates obviously put in, on the request of this committee, to select, from the very vast library of documents that you have, this group that you have presented here this morning, and we are very grateful.

Dr. SWEET. Thank you very much.

Chairman MADDEN. The committee thanks you for your testimony.

TESTIMONY OF HANS BLESS, STEINHEIM, GERMANY, WESTPHALIA (THROUGH INTERPRETER VON HAHN)

Chairman MADDEN. Hans Bless.

Will you just give your name and address to the reporter?

Mr. BLESS. Hans Bless; Steinheim.

Chairman MADDEN. Mr. Bless, do you object to being photographed?

Mr. BLESS. I don't mind.

Chairman MADDEN. Mr. Bless, before you testify, it is our wish to invite your attention to the fact that, under German law, you will not

be liable for slander or libel, in either civil or criminal proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, the Congress of the United States, or the House of Representatives, will not assume any responsibility for your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Do you understand that?

Mr. BLESS. Yes, I do.

Chairman MADDEN. All right, will you stand and be sworn?

Do you swear, by God the Almighty, that, to the best of your knowledge, you will tell the truth, the whole truth, and nothing but the truth; so help you God?

Mr. BLESS. I do.

Chairman MADDEN. Proceed.

Mr. FLOOD. What is your name?

Mr. BLESS. Hans Bless.

Mr. FLOOD. What is your present occupation?

Mr. BLESS. At present I am a salesman.

Mr. FLOOD. Where?

Mr. BLESS. Steinheim, Westphalia.

Mr. FLOOD. Were you ever identified with the Wehrmacht?

Mr. BLESS. Yes.

Mr. FLOOD. Were you a member of the German armed forces in 1943?

Mr. BLESS. Yes, I was.

Mr. FLOOD. Were you on the Russian, or eastern front?

Mr. BLESS. I was also on the eastern front.

Mr. FLOOD. With what unit?

Mr. BLESS. Reconnaissance unit.

Mr. FLOOD. When did you move into the Smolensk area?

Mr. BLESS. I will have to elaborate a little bit on that.

On the 1st of March of 1943, the Rzew bridgehead was abandoned. At that time, during all that retreat, I was the leader of the covering rear unit. It was in the vicinity of Dorogubush when the front line again became consolidated. Inasmuch as during all of that retreat I was covering the rear, subsequently I was sent to a resting place.

This happened sometime during the middle of March of 1943.

During that retreat, rumors were rife that somewhere at the Smolensk area, mass graves of Polish prisoners had been discovered. I no longer accurately recall whether or not I was officially ordered to proceed to Katyn; however, I still do know that I eventually traveled to Katyn in an automobile. However, I do definitely remember that the division at that time prepared special groups, which subsequently had been dispatched to Katyn.

Mr. FLOOD. Did you see the location of the graves?

Mr. BLESS. Yes, I did.

Mr. FLOOD. When were you there?

Mr. BLESS. I estimate I was there around the end of March; it might perhaps have been around the 20th or 25th of March.

Mr. FLOOD. The exhumations were already going on when you got there, were they?

Mr. BLESS. Yes, they were.

Mr. FLOOD. Did you talk to any Russian civilians in the area at any time?

Mr. BLESS. Yes.

Mr. FLOOD. What was the nature of those conversations?

Mr. BLESS. It was during a survey of the graves. There was a small group of us standing together.

And when I say "us" I am referring to a group of German soldiers and a serviceman.

I don't know who said, "Well, there is a Russian civilian standing out there in front." It was an old Russian of about—well, in my estimation, 70 years of age.

This Russian is also in a position to tell something. It would, however, be practical to offer him a cigarette right at the outset.

The Russian civilian testified approximately as follows: "Several years ago—it was in the spring—a transport of prisoners of war arrived on a train at the nearest railroad station," that subsequently, the entire area where the graves were located had been cordoned off, as well as—as he expressed himself—a cottage where Kommissars were purportedly residing; that Polish prisoners of war had subsequently been taken to that area on trucks. The shooting reportedly took place every day in the early hours of the morning.

And I believe that is all.

Mr. FLOOD. Was that the only Russian civilian to whom you spoke?

Mr. BLESS. Yes, that was the only one I spoke to. However, I happened to see some more Russian civilians around. They were busy, they were working.

Mr. FLOOD. At what stage was the exhumation when you were there; what degree of exhumation?

Mr. BLESS. I was there when the exhumation of the second grave was just begun.

Mr. FLOOD. Did you see the bodies closely enough to observe how they may have been killed?

Mr. BLESS. Yes.

Mr. FLOOD. Did you pay any attention as to whether or not the hands were tied?

Mr. BLESS. Yes; I did.

Mr. FLOOD. Did you observe anything with reference to documents or what may be described as the personal effects of any of the dead bodies?

Mr. BLESS. Yes. There was a series of—as I should put it—personal property of no practical value at all, such as handkerchiefs, papers, letters. But on the chest of either a colonel or a lieutenant colonel, there was a diary lying on his chest. It might perhaps be of interest to note that the pockets of all of the uniform coats had been cut by scissors in order to gain easier access to the pockets of the uniforms.

With respect to the tying of the hands, I wish to indicate that partially the hands were tied by wire. In one instance, I recall he must have been tied by his own belt. In various other instances, the hands were tied by pieces of string or rope.

Mr. FLOOD. Were you close enough to actually observe that yourself?

Mr. BLESS. Well, in one instance, for example, of a body that had been lying on its back, I actually investigated how his hands were bound.

Mr. FLOOD. You mentioned a diary. Did you have a chance to look at or see the diary?

Mr. BLESS. Yes, I did. I said, "Well, it is too bad nobody around here speaks Polish." Subsequently, however, we found a German noncommissioned officer who spoke Polish; whose name, however, I don't know.

Then we picked up the diary, which had been lying on the chest of this colonel or lieutenant colonel, as I indicated before, and the non-commissioned officer subsequently translated practically all of the diary to us.

Mr. FLOOD. Can you give us the gist of what it said. the meat of what it said?

Mr. BLESS. Yes.

He set forth in writing, first, the circumstances of his capture; that subsequently all of them were herded into a large camp; later, part of the inmates of the camp were taken away somewhere, so that eventually nothing but officers remained in the camp.

Mr. FLOOD. Do you happen to remember, or did you notice; and if you did notice, do you remember the last date of entry on the diary?

Mr. BLESS. Yes. As a matter of fact, I recall it precisely.

Mr. FLOOD. What was it?

Mr. BLESS. Adolph Hitler's birthday was on the 20th of April.

Mr. FLOOD. What was the date recorded?

Mr. BLESS. The last entry in the diary was the 20th of April, because I recall I made a remark. In a jocular mood, I said, "Well, as a reward from the Russians to Adolph Hitler for having given them a portion of Poland, the Russians killed those officers."

Mr. FLOOD. What was the date of the diary?

Mr. BLESS. The last date was the 20th of April.

Mr. FLOOD. What year?

Mr. BLESS. 1940.

Mr. FLOOD. In your conversations with any Russians, or the Russian to whom you talked, did that Russian indicate any opinion as to who did the shootings?

Mr. BLESS. If I remember correctly, this one Russian I spoke to held it was the Red army who did the shootings.

Mr. FLOOD. Did you happen to hear of any Russians or any rumors in the area that any Russians blamed the Germans for the shooting?

Mr. BLESS. No, I did not; not at that time, at least. I think the first time I heard about that was sometime in 1946.

Mr. FLOOD. Where, in 1946, did you ever hear that kind of talk?

Mr. BLESS. It was here in Germany. I read it in the papers. It was in connection with the Nuremberg Tribunal proceedings.

Mr. FLOOD. But you never talked to any Russians who said that or heard of any Russians who said that in 1943; is that it?

Mr. BLESS. No; at least, I don't remember.

Mr. FLOOD. That is all.

Mr. DONDERO. No questions.

Mr. MACHROWICZ. No questions.

Chairman MADDEN. We want to thank you for your testimony.

I might say to the photographers: I hope you will comply with the request that we all respect the rights of any witnesses who do not wish to be photographed. In any event, do not take any photographs until the question is propounded to them. The next witness does not object.

Dr. Tramsen is the next witness.

TESTIMONY OF DR. HELGE TRAMSEN, COPENHAGEN, DENMARK

Chairman MADDEN. Doctor, would you give the reporter your name and address, please?

Dr. TRAMSEN. Helge Tramsen; Copenhagen.

Chairman MADDEN. Doctor, before you testify, it is our wish to invite your attention to the fact that, under German law, you will not be liable for slander or libel, either in criminal or civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Do you understand that?

Dr. TRAMSEN. Yes.

Chairman MADDEN. Now, if you will stand and be sworn.

Do you swear, by God the Almighty, that you will, according to the best of your knowledge, tell the pure truth, the whole truth, and nothing but the truth; so help you God?

Dr. TRAMSEN. Yes, I do.

Mr. FLOOD. What is your name?

Dr. TRAMSEN. Helge Tramsen.

Do you want the full name?

Mr. FLOOD. Yes.

Dr. TRAMSEN. Helge Andreas Boysen Tramsen.

Mr. FLOOD. What is your present occupation?

Dr. TRAMSEN. I am a practitioner in Copenhagen and, at the same time, a lecturer at the university, teaching at the high school of physical training, and a surgeon commander in the Royal Danish Navy.

Mr. FLOOD. You practice medicine, I suppose?

Dr. TRAMSEN. Yes, I do.

Mr. FLOOD. How long have you been engaged in the practice of medicine?

Dr. TRAMSEN. I did my final examination in 1936 at the Copenhagen University, and later I had training in hospitals and scientific institutes in Copenhagen.

Mr. FLOOD. You indicated that you are a reserve surgeon in the Danish armed forces, did you?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Where did you get your surgery?

Dr. TRAMSEN. I got my surgery at the university clinic in Copenhagen, Rigs Hospital, and several other hospitals; and from 1940, November, I studied and did scientific work at the Institute of Medico-Legal Medicine. In 1943 I was prosecutor—you call it—at this institute.

Mr. FLOOD. In 1943, what had been your experience in the general or special field of pathology?

Dr. TRAMSEN. Three years of training in pathology and medico-legal medicine at the University Institute in Copenhagen.

Mr. FLOOD. Had you experience in the performance of post mortems or autopsies on human bodies?

Dr. TRAMSEN. Yes, I had.

Mr. FLOOD. All areas of the human body?

Dr. TRAMSEN. Yes.

Mr. FLOOD. What is your experience in the field of forensic or legal medicine?

Dr. TRAMSEN. In those 3 years I worked—it was altogether 4 years—I worked at the University Institute of Medico-Legal Medicine. I did every day post mortems of murder cases and sudden death of unnatural cause.

Mr. FLOOD. I direct your attention to the year of 1943 and ask you whether or not, in that year, the matter of the Katyn Forest massacre was brought to your attention?

Dr. TRAMSEN. Yes. I have read about it in the Danish press.

Mr. FLOOD. Did the then German Government subsequently, in any way, communicate with you with reference to your serving professionally in connection with that incident?

Dr. TRAMSEN. Yes. On April 22, 1943, I had the offer from the Danish Foreign Office to be a member of a committee, consisting of scientists and medico-legal specialists, that should go to Katyn to investigate the tombs and do post mortems on the dead bodies there. And the secretary of foreign affairs in Copenhagen told me that this invitation had come straight from the Reichsgesundheitsfuhrer, Dr. Conti, in Berlin.

Mr. FLOOD. Then I understand that the invitation from the then German Government did not come directly to you but was transmitted to you by the then Danish Foreign Office. Is that correct?

Dr. TRAMSEN. Yes.

Mr. FLOOD. And what did you reply?

Dr. TRAMSEN. The first invitation had come to my chief, Professor Sand, and he was a very old man and didn't feel like going on this long journey. So he pointed me out because at that time I was a military doctor as well, and he thought it would be possibly the best thing to have a military surgeon as well going on this job.

Mr. FLOOD. Your chief where?

Dr. TRAMSEN. At the University Institute for Medico-Legal Medicine.

Mr. FLOOD. You were so designated, then, as I understand it?

Dr. TRAMSEN. Yes.

And may I add there that I had an official order from the Danish Minister of Foreign Affairs, as well as the admiralty, to join the committee.

Mr. FLOOD. So your appearance upon this international medical commission was not the result of any direct or personal negotiations between you and the then German Government?

Dr. TRAMSEN. No.

Mr. FLOOD. I presume you then took your place with the commission. Will you, in your own words, just tell us what developed up until the point you reached Katyn?

Dr. TRAMSEN. Yes. On April 27, 1943, I was taken by a special plane from Copenhagen to Berlin.

Mr. FLOOD. May I interrupt? I, of course, take for granted that you were aware that on April 15, 1943, the Germans had made the announcement of their discovery at the Katyn Forest; followed 2

days later, on April 17, by the Russian announcement or the Russian reply to the German charges?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Will you proceed?

Dr. TRAMSEN. In Berlin I was presented in the Hotel Adlon to the other members of this medical scientific committee by Dr. Zietz, from the Reichsgesundheitsamt. I knew several of these gentlemen beforehand by name through international scientific circles.

Mr. FLOOD. Do you at this time think you can give us the names of the men who were on the commission with you?

Dr. TRAMSEN. From Belgium, Professor Speleers.

Mr. FLOOD. When you read that, will you also state the name of the university, or his identity?

Dr. TRAMSEN. Yes.

This Professor Speleers was professor in ophthalmology in the University of Ghent.

Dr. Markov, lecturer at the Institute of Forensic Medicine and Criminology, University of Sofia, Bulgaria.

No. 3 was me.

No. 4, Professor Saxen, Professor of Pathologic Anatomy in Helsinki, Finland.

Professor Palmieri, professor in medico-legal medicine and criminology in the University of Naples.

Professor Miloslawich, professor of medico-legal medicine and criminology, University of Agram, Croatia.

Mr. FLOOD. Doctor, you might like to know that Dr. Miloslawich has already testified before this committee, at its hearings in America, in the city of Chicago.

Dr. TRAMSEN. Yes. Professor Burlet, professor of anatomy in Groningen, Holland. Professor Hajek, professor of medico-legal medicine and criminology in Prague. Dr. Birkle, forensic specialist for the Rumanian Minister of Justice and prosecutor at the Institute of Medico-legal Medicine and Criminology, Bucharest, Rumania. Professor Naville, professor of medico-legal medicine, University of Geneva. Professor Subik, professor of pathologic anatomy, University of Pressburg, Czechoslovakia.

No. 12, Professor Orsos, professor of forensic medicine and criminology, University of Budapest. This is the total list.

And Professor Orsos was chosen chairman of the committee because he was, I should say, the most well known specialist and he had the advantage that he could speak Russian fluently, having been a Russian prisoner of war in Russia for 4 years during the First World War.

Mr. FLOOD. Who selected Dr. Orsos as the chairman of the delegation?

Dr. TRAMSEN. We did that between us.

Mr. FLOOD. Then Dr. Orsos was elected or selected as chairman by his fellow scientists who were members of the delegation, as you have just described?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Were there any consultants or German delegations or scientists who cooperated or were with you at the time?

Dr. TRAMSEN. Yes; several doctors and specialists, of which I don't recall all the names, from the University Institute of Forensic Medi-

cine in Berlin. Professor Miller Hess was the chief, and his second assistant was there, I remember, Dr. Huber.

Mr. FLOOD. Do you recall a Dr. Buhtz?

Dr. TRAMSEN. Yes. But he was not in Berlin; he was in Smolensk and we met him out there. He was ordinary professor of forensic medicine in the University of Breslau.

Mr. FLOOD. Did you see him present at any time at Katyn when you were there?

Dr. TRAMSEN. Yes. He was actually the leader of the whole expedition and examinations during the days we stayed in Smolensk.

Mr. FLOOD. Representing the German Government?

Dr. TRAMSEN. Yes; representing the German Government.

Mr. FLOOD. Do you recall any French delegate or any French representative?

Dr. TRAMSEN. Yes. There was a rather elderly professor, Dr. Costedoat, who did not take much part in the negotiations as he said he was sent only from the French Government to investigate what we were doing. He was a specialist in psychology.

Mr. FLOOD. Did you go to Berlin?

Dr. TRAMSEN. Yes. And early next morning we were taken in German military airplanes from Tempelhof, landing midway in Warsaw and finishing up in Smolensk at 6 or 7 o'clock in the evening, a 1,600-mile flight.

Mr. FLOOD. When did you get to the graves at the Katyn Forest?

Dr. TRAMSEN. Next morning, about 10 o'clock.

We were collected at the house of the Wehrmacht, where we stayed for the night, and taken in Germany military buses out to the Katyn woods about 16 kilometers west of Smolensk.

Mr. FLOOD. Will you describe, in your own words, your first impression and your observations of what you saw immediately upon arriving at the scene of the graves?

Dr. TRAMSEN. The first thing we saw was a rather sparse wood of fir trees, and there was a terrible smell of decay. And then we saw, in a sort of lane, a long line of dead bodies that had already been extracted from the tombs.

This is the first few I saw (producing photograph).

We were taken immediately to the tombs.

Mr. FLOOD. May I interrupt?

Will the stenographer mark for identification this photograph as exhibit No. 43?

(The photograph referred to marked for identification "Exhibit 43.")

Mr. FLOOD. I now show you a photograph marked for identification as exhibit No. 43 and ask you, Doctor, to describe what that is.

Dr. TRAMSEN. In this picture you see about 20 rows of dead bodies and anything up to 15 dead bodies in each row; all fully dressed in typical uniform dresses and with their boots in rather good condition. That was about the first thing I observed.

Mr. FLOOD. We will offer that in evidence.
(Exhibit 43 is as follows:)

EXHIBIT No. 43



Rows of exhumed bodies at Katyn.

Mr. MACHROWICZ. Who took that picture?

Dr. TRAMSEN. The Germans took that.

Mr. MACHROWICZ. In your presence?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Has this been in your possession ever since?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Until you presented it here this morning?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Very well.

Dr. TRAMSEN. Secondly, we were taken to the tombs, of which we soon counted seven. They were lying in various heights on a sloping hill. We went down into some of the tombs, as you see me on this picture standing along by the dead bodies.

Mr. FLOOD. Just a moment.

We now ask the stenographer to mark for identification a photograph as exhibit No. 44.

(The photograph referred to was marked for identification as "Exhibit 44" and is as follows:)

EXHIBIT 44



Professor Subik and Dr. Tramsen (on left) standing in mass grave.

Mr. FLOOD. I now show the witness exhibit No. 44, a photograph, and ask him to identify the photograph and the persons who are on the photograph.

Dr. TRAMSEN. In this picture, you see the bottom of one of the tombs, filled up with dead bodies, and by the side of these dead bodies are two of the members of the committee: Professor Subik and me.

Mr. FLOOD. I take for granted, Doctor, that these two exhibits thus far introduced and the others—if you have any that will be introduced—are photographs, as you say, taken by the Germans, given to you, and have been in your custody up until you presented them to the committee this morning?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Proceed.

Dr. TRAMSEN. We tried to make an impression of how many dead bodies some of these tombs could hold, and in one of these tombs it seemed to be quite an easy job because the dead bodies were all lying in very even sheets, and we could count the dead bodies in the line and in the sheets because at the site of the tombs the tomb would deck down to the lowest sheet.

Mr. DONDERO. Do you mean tiers, Doctor?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Just a moment.

Will the stenographer mark another photograph as exhibit 45?

(The photograph referred to was marked for identification as "Exhibit 45" and is as follows:)

EXHIBIT 45



Katyn victims buried in tiers.

Mr. FLOOD. I now show you a photograph marked as exhibit 45 and ask you if he can identify that photograph and describe it.

Dr. TRAMSEN. This photograph only shows various layers of the dead bodies with all the heads lying in the same line.

Mr. FLOOD. Will you let me have the other photographs so that we will be able to make them as exhibits as we did with the doctor's earlier. We do this only for the purpose of saving time. We did the same thing with the documents just presented by the other witnesses.

Will the stenographer mark these photographs for identification as exhibit 46 and in sequence. They are photographs for the purpose of exhibits.

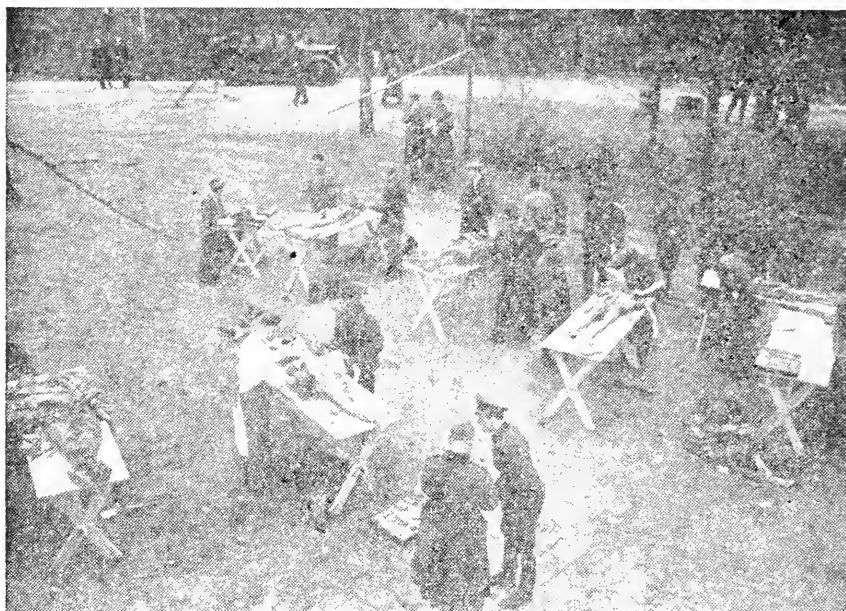
(The documents referred to were marked "Frankfurt Exhibits Nos. 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, and 60," and are shown as follows:)

EXHIBIT 46



Professor Buhtz (on left) in presence of Medical Commission removing identification papers from body.

EXHIBIT 47



View of autopsy tables showing members of International Medical Commission at work.

EXHIBIT 48



Dr. Trausen (with cap on) selecting body from mass grave.

EXHIBIT 49



Dr. Tramsen performing autopsy at Katyn.

EXHIBIT 50



Prof. Frantisek Hajek removing boot of Katyn dead.

EXHIBIT 51



Profssor Miloslavich examining identification paper of Katyn victim as Dr. Tramsen watches.

EXHIBIT 52



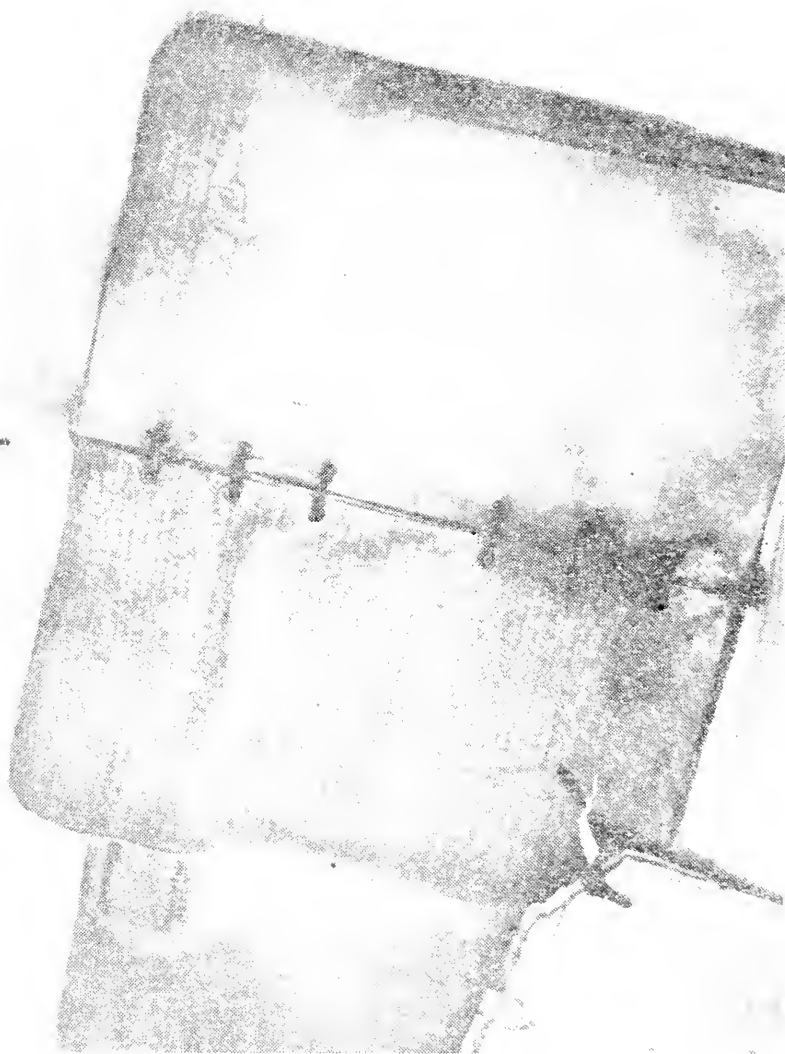
Skull of Katyn victim with bullet visible.

EXHIBIT 53



Polish officer's hands tied with cord.

EXHIBIT 54



Polish officer's diary.

EXHIBIT 55



Personal belongings of a Polish general.

EXHIBIT 56



Laboratory In German Institute at Smolensk. Professor Miloslavich holding skull.

EXHIBIT 57



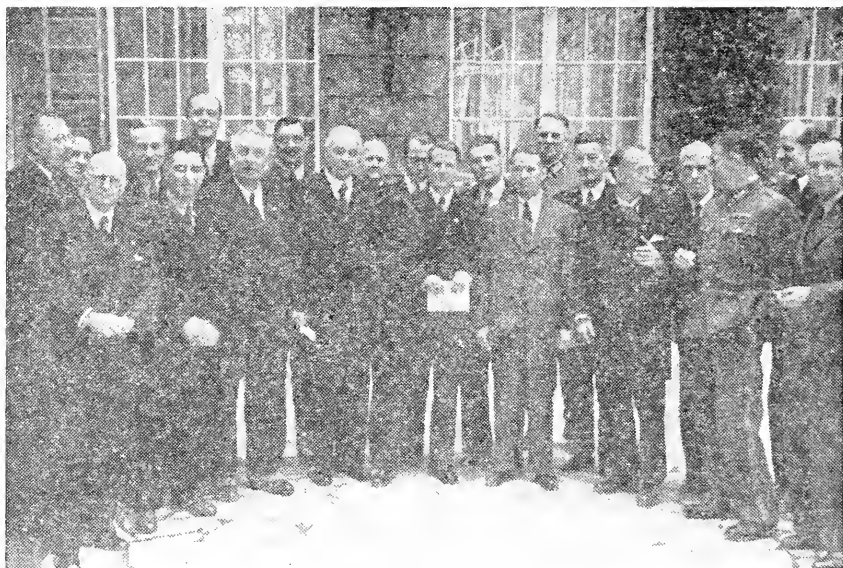
Final meeting of committee at the institute in Smolensk. Dr. Buhtz, German professor, standing.

EXHIBIT 58



Professor Orsos and other Medical Commission members discussing German protocol with members of the Health Ministry.

EXHIBIT 59

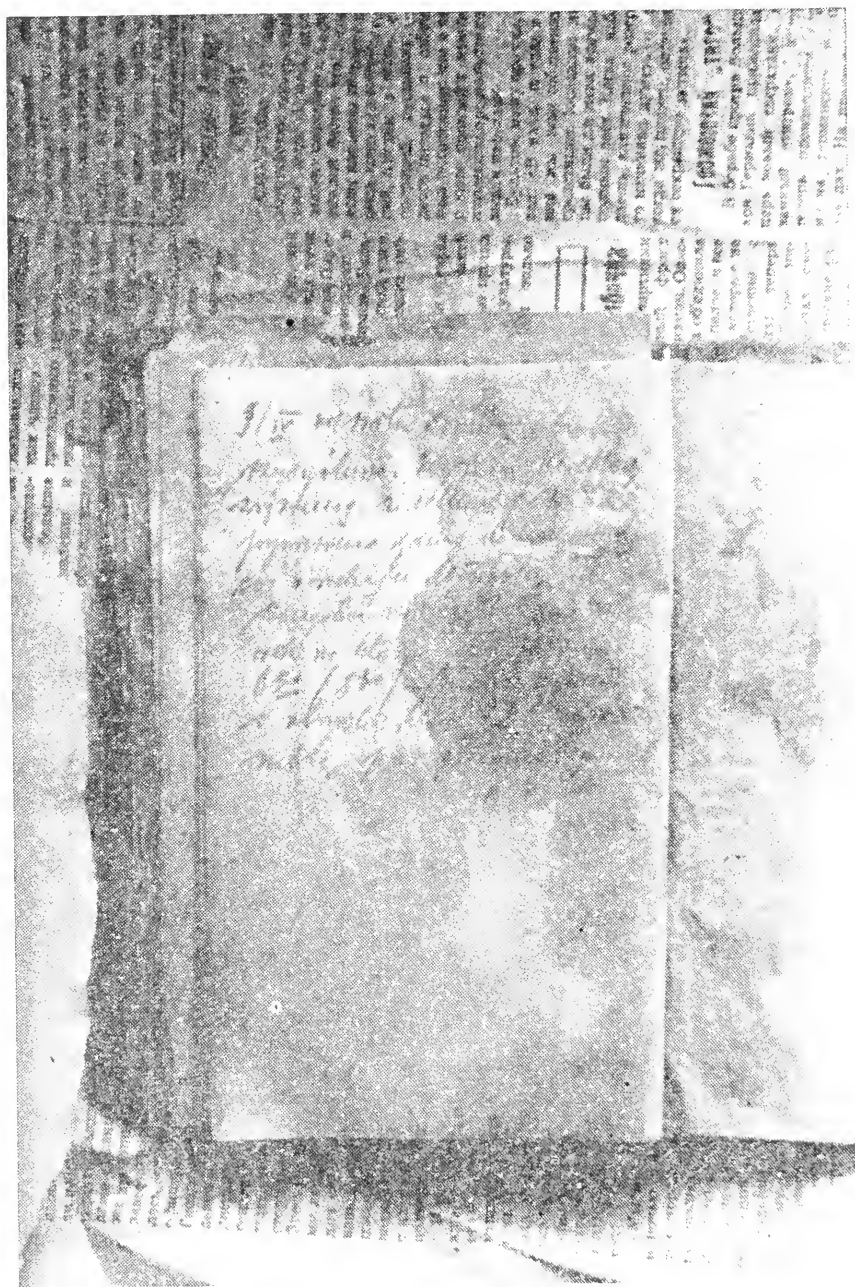


Left to right: Dr. Zietz, Professor Naville, Professor Subik, Professor Palmieri, unidentified, Professor Miloslavich, Professor Hajek, Professor Orsos, unidentified, Dr. Tramsen, Dr. Conte, Dr. Markhov, Dr. Birkle, Professor Buhitz, Professor de Burlet, Professor Speleers, Dr. Costedoat, Professor Saxen, and two German secretaries from the ministry of health. Photo taken in courtyard of Hotel Adlon in Berlin.

EXHIBIT 60



Members of committee walking past Dnieper Castle in Katyn Woods.



Katyn victim's diary, date visible as April 19.

Mr. FLOOD. Proceed, please.

Dr. TRAMSEN. Approximately, we could reckon that not less than 2,500 dead bodies could be held in the biggest of these tombs, and a

varying number, small numbers, in each of the other tombs. But how many altogether we did not make any statement at that time, unfortunately.

The next thing was that, under the leadership of Professor Buhtz, one of the dead bodies was extracted from a place in one of the tombs that the committee pointed out itself. This body was put on a wooden table and the committee collected around it were able, with Professor Buhtz, to identify the body as you see on the picture, exhibit 46. It could be done because we found in the pockets of the uniform jacket several personal papers and between them some letters, but I do not recall the name of that special first dead body we examined. This was what actually happened that morning, and we returned about mid-day to Smolensk.

The further investigations of the tombs took place the next day with the post-mortem autopsies. As you already have been told about the titles of the members of the committee, some of these committee members were not specialists in forensic medicine, so we had decided upon that only those with forensic medical specialist training should do the postmortems, and that was nine of us.

Mr. FLOOD. The decision to have you nine of the entire commission conduct the postmortems was a decision made by agreement of the scientists on the commission?

Dr. TRAMSEN. On the whole commission; yes.

Mr. FLOOD. And not by any German decision?

Dr. TRAMSEN. No.

So, we, next morning, went to the wood at quarter past nine to proceed with the examinations. As you see, on exhibit 47, six tables for autopsies were put up in an open space in the wood. The Germans had supplied us with typists, interpreters, secretaries, and all instruments, rubber gloves, rubber aprons, and everything necessary for postmortem autopsies. I went down about 10 o'clock in one of the tombs, as you see on exhibit 48.

Mr. FLOOD. You are using the term "tomb" interchangeably with "grave"; is that so?

Dr. TRAMSEN. Yes, that is the same.

In one of the graves, and with me was a German secretary and an assistant doctor and one of the civilian Russian workers that was working for the Germans in the place. I chose myself the very place where I wanted to extract a body and this is what you see on exhibit 48. This dead body was put on a table and I examined it from the outside. I could see the body was dressed in a Polish uniform.

Mr. FLOOD. How did you know it was a Polish uniform?

Dr. TRAMSEN. I could see the buttons with the Polish eagle and I could see the badge of the uniform cap which was lying next to the body.

Mr. FLOOD. You are holding in your hand at this moment what appears to be a uniform badge.

Dr. TRAMSEN. Yes.

Mr. FLOOD. Is that one of the badges taken from one of the bodies?

Dr. TRAMSEN. That is a badge taken from the cap of that dead body I extracted.

Mr. FLOOD. May we see that, please?

Dr. TRAMSEN. Yes.

Mr. FLOOD. And this has been in your possession ever since you yourself took it from the uniform of one of the dead bodies at Katyn under the circumstances you have described; is that correct?

Dr. TRAMSEN. Yes; that's right.

Mr. FLOOD. And you described this as the Polish eagle insignia taken from the cap of a Polish officer's body at Katyn?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Will the stenographer mark the cap insignia as "Exhibit 61" for identification?

(Actual insignia in committee file.)

(The article referred to was marked "Frankfurt Exhibit No. 61," and a photograph is shown as follows:)

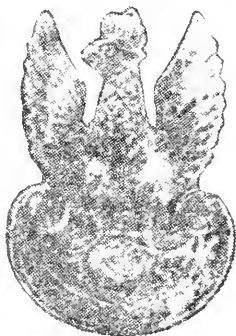


EXHIBIT 61

Cap insignia of Polish victim.

Mr. FLOOD. Doctor, I now show you exhibit 61 marked for identification and ask you whether or not that is the insignia taken from the cap of a Polish officer's body at the grave at Katyn?

Dr. TRAMSEN. Yes.

Mr. FLOOD. That is in evidence.

Dr. TRAMSEN. My next job was to try and identify this dead body and it didn't take me a long time because in the right side of the uniform jacket, the inside pocket, I found the military pass of this officer, with a red mark of mobilization, and his name very clearly to be read, as Ludwig Szyminski, and his address as Krakow-Miasto, stamped on the front page. On the other side, there was a place for a photograph but, unfortunately, this had been so spoiled that nothing could be seen on the photograph. But, underneath, with a special significance for identification, it has "eyebrows," "beard," "height," and so forth.

Mr. FLOOD. Will the stenographer put these two described papers, the mobilization notice and the identification slip, together and mark them as "Exhibit 62"?

(The documents referred to were marked "Frankfurt Exhibit No. 62," and placed in the committee files. A photograph is shown as follows:)

EXHIBIT 62

KSIĄŻECZKA STANU SŁUŻBY OFICERSKIEJ		
(Miejsce i data urodzenia) (Data śmierci)		
(Imię i nazwisko)		
Przynależność do P. K. U.		
Wzrost wzrost książeczki	Nazwa P. K. U.	Stopień
Późniejsze zmiany wskutek przesie- dlenia		

Mobilization notice and identification slip of Polish officer.

EXHIBIT 62—Continued

Miejsce dla fotografii

Wzrost _____ Nos _____

Włosy _____ Usta _____

Brwi _____ Broda _____

Oczy _____ Twarz _____

Specjalne znaki _____

(podpis właściciela karte)

IZUP

62

TU NALEŻY PRZECHOWYWAĆ JAKO
KARTĘ MOBILIZACYJNĄ

Mobilization notice and identification slip of Polish officer taken from body.

Mr. FLOOD. I show you exhibit 62 for identification and ask you if that is the identification slip and the mobilization order to which you just referred?

Dr. TRAMSEN. Yes.

Besides, I found a lot of papers, newspapers, and, as well, a pocket-book. This showed very clearly that the owner must have been a chemist. It was a Polish pocketbook from Bayer Meister Lucius, a German medical firm, giving all the details about the doses of this medical firm. Another little extraordinary detail was that the officer probably must have been a stamp collector, because he had an envelope with some Russian and Polish stamps in his pocketbook.

Mr. FLOOD. Will the stenographer mark as "Exhibit 63" for identification this envelope containing the package of stamps the doctor has just described?

(The envelope referred to was marked "Frankfurt Exhibit No. 63," and placed in the committee files. A photograph is shown as follows.)

EXHIBIT 63



Stamp collection of a Katyn victim.

Mr. FLOOD. Doctor, I now show you an envelope, marked for identification as "Exhibit 63," containing these stamps you have just described. Take a look at those stamps. Are those the stamps you have just mentioned?

Dr. TRAMSEN. Yes, they are.

Mr. FLOOD. Go ahead.

Dr. TRAMSEN. In the pocketbook I found several Polish bank notes.

Mr. FLOOD. What is the name of that type of currency?

Dr. TRAMSEN. These are zloty.

That was not extraordinary, because they were found in masses on pretty well all the bodies extracted from the grave.

Mr. FLOOD. Mark for identification as "Exhibit 64" this envelope containing the zloty just described by the doctor.

(The envelope referred to was marked "Frankfurt Exhibit No. 64," and is shown as follows.)

EXHIBIT 64



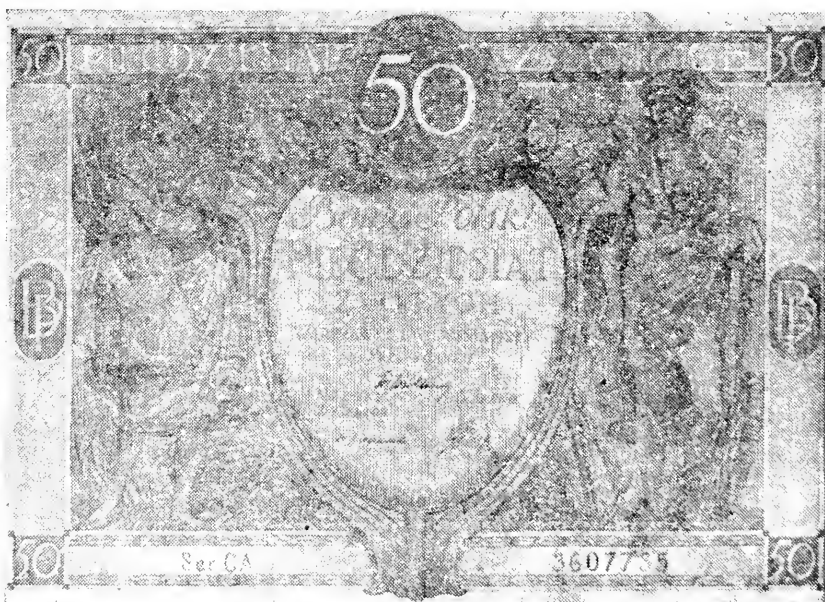
Polish zloty (currency) found on body of Katyn victim.

EXHIBIT 64—Continued



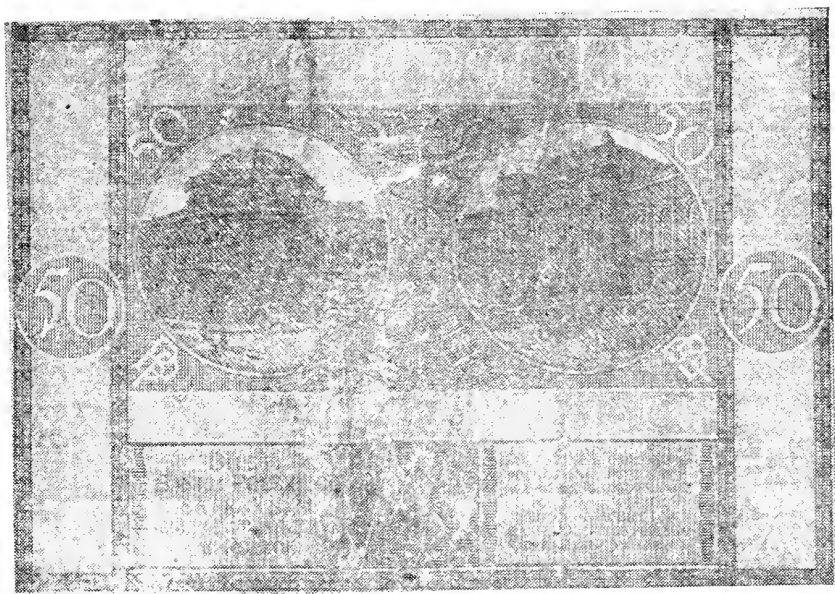
Polish zloty (currency) found on body of Katyn victim.

EXHIBIT 64—Continued



Polish zloty (currency) found on body of Katyn victim.

EXHIBIT 64—Continued



Polish zloty (currency) found on body of Katyn victim.

EXHIBIT 64—Continued



Mr. FLOOD. I now show you, doctor, this envelope, marked for identification as exhibit 64, containing the zloty you just described. Look at that envelope. Is this the zloty you have described?

Dr. TRAMSEN. They are.

It was remarkable that we didn't find anything of great value, like fountain pens or watches. I didn't find any on this body either, but I found two small coins in the waistcoat pocket—5 and 10 grozy.

Mr. FLOOD. The envelope containing the coins just indicated will be marked as exhibit 65 for identification and placed in the committee files.

(The envelope referred to was marked "Frankfurt Exhibit No. 65," and a photograph is shown as follows:)

EXHIBIT 65



Polish coins found on exhumed body.

Mr. FLOOD. Doctor, I show you an envelope marked for identification as exhibit 65 containing the coins to which you have just referred. Will you examine the envelope and does it contain those coins?

Dr. TRAMSEN. Yes; it does.

Chairman MADDEN. We'll have a 3-minute recess.

(Whereupon, a recess was taken.)

Mr. FLOOD. Doctor, when we recessed, you were in the process of continuing your story. Will you go on from there?

Dr. TRAMSEN. Yes; I was telling about doing the identification of this dead body that was removed from one of the graves.

Having cut open the uniforms and clothes, I could remark that they must have been on the dead body for quite a while, a long time, because the underclothes were more or less compact with the skin. But they were all in the proper size and all buttoned up. I could remark that he was definitely warmly dressed, having two kinds of underwear and a thick, wooly scarf. The boots were in good condition. I remarked that the hands were tied in the back with a sort of thick white rope; I should think about a quarter of an inch in diameter, possibly, and the string was cut right through the skin, nearly to the bone. That has surely happened after death.

Mr. FLOOD. At that point, you were describing that the hands of the body you were examining were tied with a rope, the nature of which you described. During your stay at Katyn, did you have occasion to observe that any other bodies found there were similarly tied?

Dr. TRAMSEN. Yes. I should think that the committee altogether, and I as well, saw some 800 dead bodies, out of which only a few were not tied with their hands on their back.

Mr. FLOOD. Did you happen to observe whether or not any of the bodies with the hands tied were tied with any wire?

Dr. TRAMSEN. Yes, I saw that in at least two cases, and, in some other cases, they were tied with leather straps—possibly, the soldier's belt.

Mr. FLOOD. You mentioned that the particular body that you were working on at the time was warmly dressed—woolen scarf, winter underwear, etc. During the course of your stay at Katyn and your observation of the other bodies, did you observe whether or not any of them wore overcoats?

Dr. TRAMSEN. Yes, most of them carried overcoats, some of a bit civilian kind—thick-skinned coats, and even a few fur coats in between.

Mr. FLOOD. Did you observe any of the bodies wearing leather jackets or knitted pull-over sweaters or that kind of thing?

Dr. TRAMSEN. I cannot remember having seen any leather jackets, but I have seen lots of woolly pull-overs and woolly knitted jumpers and things like that under the uniform jackets.

Mr. FLOOD. There is no doubt, at least in your mind, from your observations, that the bodies wore winter clothing?

Dr. TRAMSEN. No. They wore winter clothes.

Mr. FLOOD. Proceed.

Dr. TRAMSEN. The state of the body itself was in an extraordinary kind of decay. I would call it more or less mummified, and I may say that this has been caused by the immense pressure of the weight of hundreds of dead bodies and the tons of heavy sand over them.

Mr. FLOOD. Then you had occasion to observe the nature, the texture, and the color of the soil?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Would you describe that?

Dr. TRAMSEN. It was yellowish, more or less dry, very sandy soil, with a rather deep ground-water stand. We observed water only in that grave which was lying lowest on the sloping hill. The yellow sand had some stripes of brownish color which might hold that lime was in the minerals in the ground, but I don't know much about that.

Mr. FLOOD. Doctor, you described in some detail the manner in

which the uniforms were upon the bodies as you observed them. Would you say from such observation, and from observations you have made in your medical experience of dead bodies containing clothing over a period of time, that these bodies had been buried in the uniforms as you saw the uniforms at the grave?

Dr. TRAMSEN. Yes, it is beyond doubt that they were buried in the uniforms in which they were found.

Mr. DONDERO. I think you mean at the time they were buried and not the time you found them.

Dr. TRAMSEN. I mean both.

Mr. FLOOD. So do I.

Doctor, you described in some detail the bodies as you saw them lying in the grave. Could you say from your observation of the bodies and the manner in which they were lying in the graves, that it indicated clearly a systematic arrangement of the bodies in the grave?

Dr. TRAMSEN. Yes. I can specially say that in some parts of the graves we found systematic order very clearly, especially along the sides and ends of the graves, more. Less, I should say, in the center.

Mr. FLOOD. Did you find or did you see any bodies in the graves or laid out when you were there that were not the bodies of Polish officers?

Dr. TRAMSEN. No, not in those seven tombs that were shown us by the Germans, but the Germans showed us some bodies that were extracted from other tombs in the same wood, lying a bit apart from those same tombs.

Mr. FLOOD. Did you find any bodies that from their insignia or dress or documentation or anything else would indicate that they were the bodies of clergymen?

Dr. TRAMSEN. Yes, I did. Yes, I saw at least three at the time I was there that were clergymen, carrying their black collar and the rosebuds and the cross as Catholic clergymen do.

Mr. FLOOD. Would it be obvious to military people, or people who had associated with military people, that the markings of the black collar—the rosebuds and the cross—would indicate that the wearer would be a clergyman or a chaplain of some degree?

Dr. TRAMSEN. Yes, I well imagine that they were military clergymen because they wore particularly uniforms and then these insignia I told you about.

Mr. FLOOD. In the particular graves in question did you see or did you hear that a female body in military Polish uniform was unearthed?

Dr. TRAMSEN. No, I have not.

Mr. FLOOD. Was it brought to your attention that there were gold teeth or gold dentures in any of the bodies?

Dr. TRAMSEN. There were very few gold teeth found in those bodies we saw.

Mr. FLOOD. There were some?

Dr. TRAMSEN. I have seen some, yes.

Mr. FLOOD. In looking at any of the documents or diaries or papers of any nature that you observed on your body or saw as having been taken from any others, did you have occasion to observe the dates with any particularity?

Dr. TRAMSEN. Yes. I have got two papers extracted from dead bodies, not the one I just did a post-mortem on, but from two others, with dates on them.

Mr. FLOOD. May I see those, please?

Dr. TRAMSEN. The one is evidently a Polish poem and apparently is signed Kozielsk, the 26th of April 1940.

Mr. FLOOD. The stenographer will mark these for identification as exhibits 66 and 67.

(The documents referred to were marked "Frankfurt Exhibits 66 and 67.")

(NOTE.—Subsequent examination of the two documents showed they were insufficiently legible for complete translation. Thus they are not included in this published report. The documents are in the committee's permanent file.)

Dr. TRAMSEN. You asked me if I had some more documents with dates on.

Mr. FLOOD. That is correct.

Dr. TRAMSEN. Another officer, a Capt. Ludwig Gajenski, was found in one of these tombs, and one of the German scientists, Dr. Huber, who did a post-mortem on this man, found this list in his pocket. It is a roll call list of officers of a fifth company of some artillery regiment and signed "Kozielsk, 12 April 1940." It contains a list of some thirty officers with their birthdays and their military rank, and what is interesting is that some ten or eleven of the names have been crossed out. Whether this means anything or not, I am not able to say, but possibly a Polish officer will be able to decipher the numbers written underneath in various groups.

Mr. FLOOD. Doctor, I take for granted that these documents we are now discussing were taken by you from bodies at the graves or else were given to you by others who took them from the bodies at the graves, and have been in your custody until they have been presented here this morning.

Dr. TRAMSEN. Yes, that is so, and if not extracted by me, the others I did not extract, I saw being extracted.

Mr. FLOOD. You saw them extracted yourself?

Dr. TRAMSEN. Yes, so I can definitely state that they have been extracted from the bodies.

Mr. FLOOD. The stenographer will mark this envelope for identification as exhibit 68.

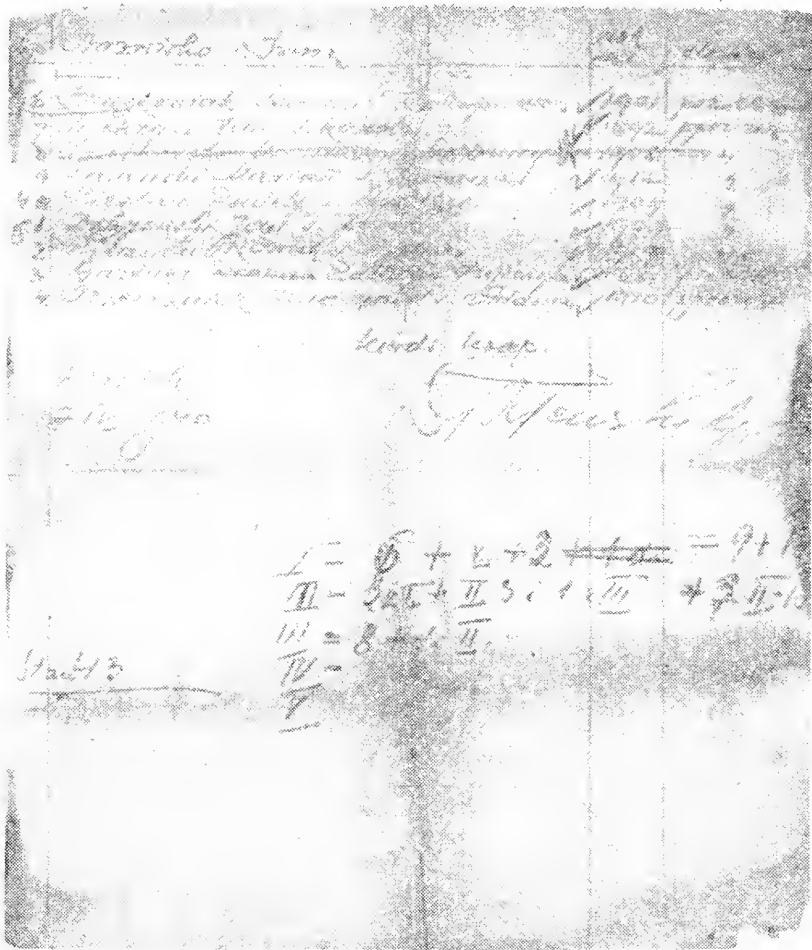
(The envelope referred to was marked "Frankfurt exhibit No. 68" and placed in the committee files. A photograph is shown as follows:)

EXHIBIT 68

Kp. <u>Wawilto</u> <u>Janis</u> (5 <u>Komp</u>)		Kp. <u>Wawilto</u> <u>Janis</u>	
1	<u>Gylenko</u> <u>Luchko</u> <u>Tarnowicz</u>	✓	1891 kpt am
2	<u>Krupczak</u> <u>Jan</u> <u>Pruski</u>	✓	1894 kpt am
3	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1896 ppor ser
4	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	X	1910 "
5	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1897 "
6	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1899 "
7	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	X	1899 ppor ser
8	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1885 ppor ser
9	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
10	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	X	1894 ppor ser
11	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
12	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
13	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
14	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
15	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
16	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
17	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
18	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
19	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
20	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
21	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
22	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
23	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
24	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
25	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
26	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
27	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
28	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
29	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
30	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
31	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
32	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
33	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
34	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
35	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
36	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
37	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
38	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
39	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
40	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
41	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
42	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
43	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
44	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
45	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
46	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
47	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
48	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
49	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser
50	<u>Poliszczak</u> <u>Jan</u> <u>Tadous</u>	✓	1894 ppor ser

Roll call list of officers with notation "Kozielsk, 12 April 1940."

EXHIBIT 68—Continued



Mr. FLOOD. Doctor, I show you an envelope marked for identification as exhibit 68 and ask you to examine it and tell us whether or not it contains the list of officers taken from the body as you just described it?

Dr. TRAMSEN. It does.

Chairman MADDEN. I think we should recess now.

Mr. MACIROWICZ. Before the committee takes a recess, I would like to make a statement and I would like to have the interpreter take the statement and translate it into German.

My attention has been called to the fact that the witness that preceded Dr. Tramsen, namely, Hans Bless, before proceeding to testify, took his oath in a form not in accordance with the rules of this committee, and in such a manner, with gestures, as to raise the question as to its reliability. I, therefore, call the committee's attention to this matter and ask for a ruling as to the admissibility of his testimony and the weight to be given to it.

Chairman MADDEN. In answer to Congressman Machrowicz' statement, the Chair wishes to announce that the witness, Hans Bless, was not sworn in conformance with the rules of the House of Representatives.

The committee further states that, at its first meeting in Washington and on several occasions since, it has announced at its hearings that any witness or any government or any organization who possesses factual and pertinent information relating to the Katyn massacres is welcome to appear and testify before this committee.

The committee will reserve its decision regarding the testimony of the witness Bless because of his nonconformance with the prescribed congressional oath.

(The committee will reconvene at 2 o'clock.

(Whereupon, at 12:40 p. m., a recess was taken until 2 p. m.)

AFTERNOON SESSION

(The committee reconvened at 2 p. m.)

Chairman MADDEN. The committee will come to order.

All right, Dr. Tramsen.

(Dr. Tramsen resumed the stand.)

(Due to incorrect numbering, there is no exhibit 69.)

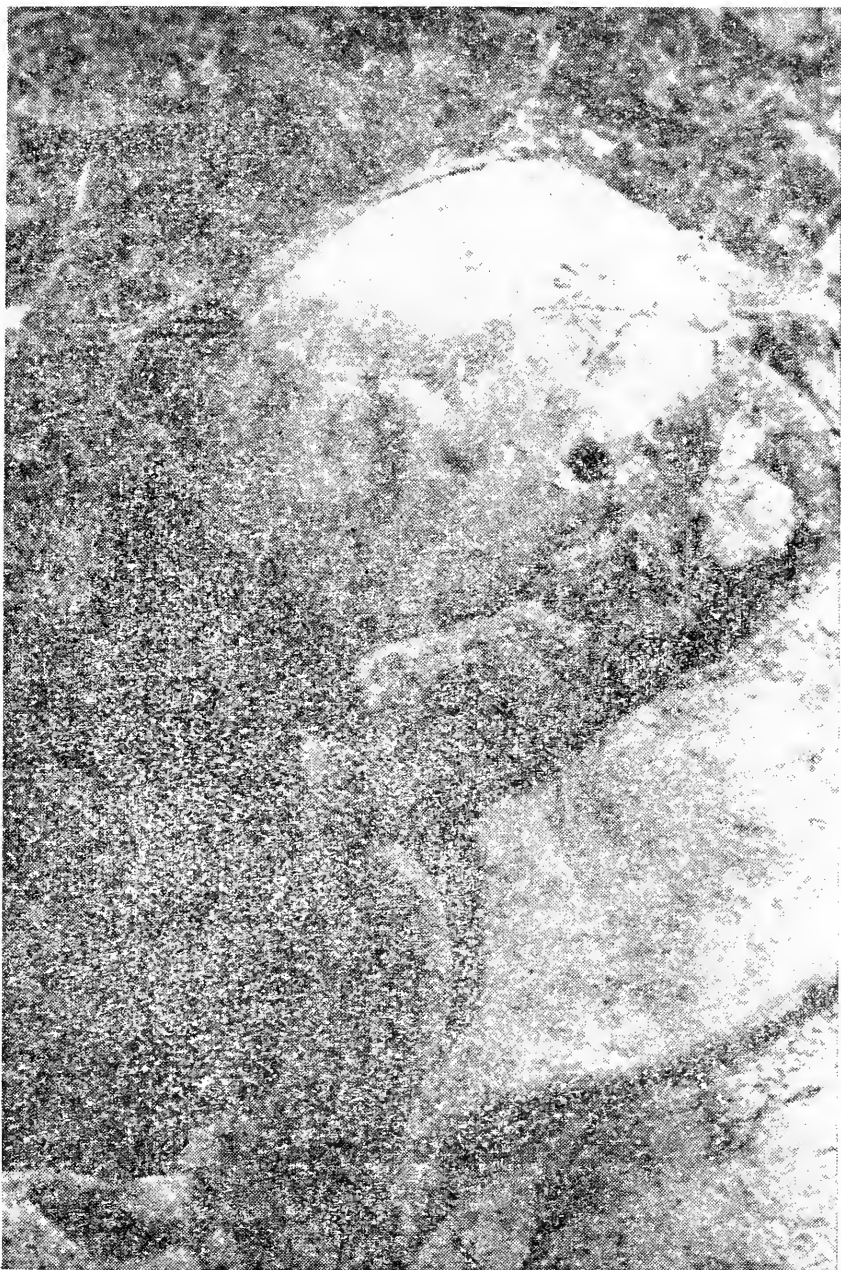
Mr. FLOOD. Doctor, I understand that since the recess you have referred to your files and in addition to the photographs that were marked as exhibits this morning you have, now, three additional photographs that you have selected from the many others you have in your possession as being especially pertinent.

Dr. TRAMSEN. Yes.

Mr. FLOOD. We will ask the stenographer to mark those, now, as exhibits 70, 71, and 72.

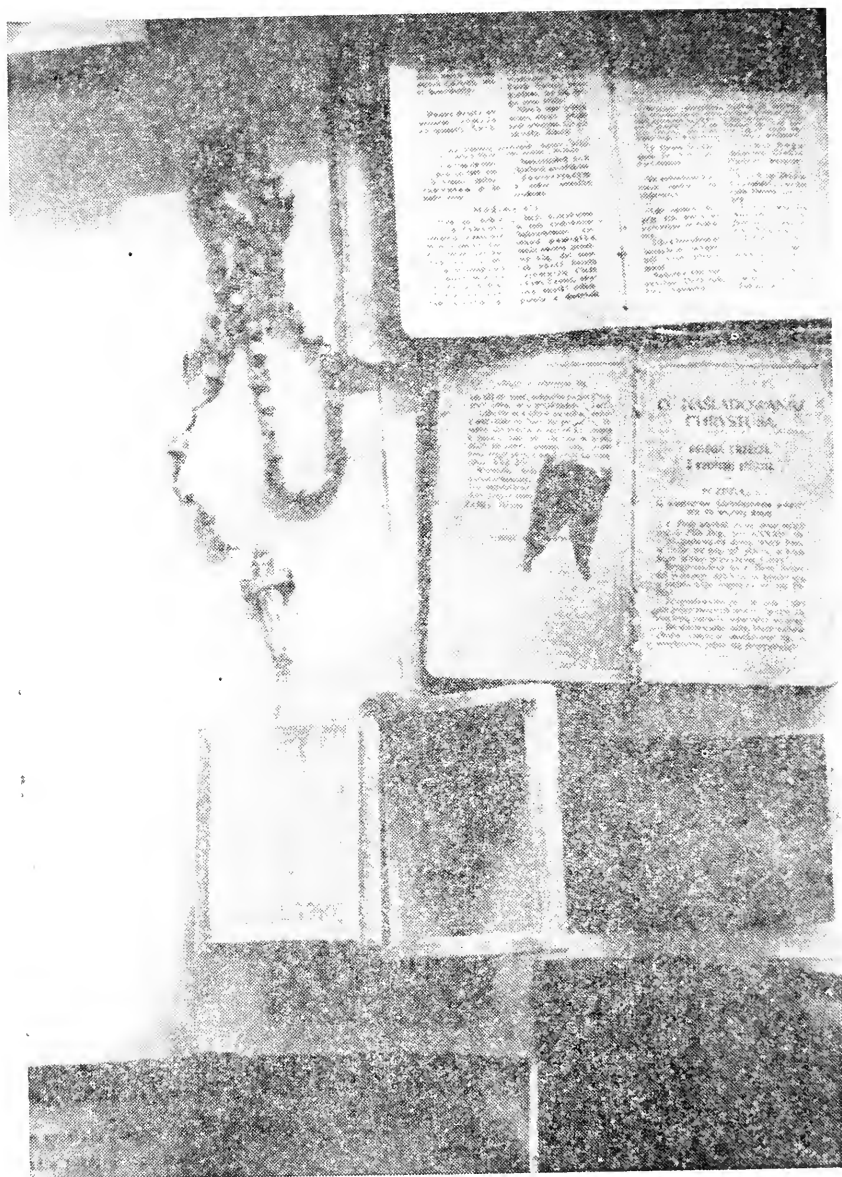
(The photographs referred to were marked "Frankfort Exhibits Nos. 70, 71, and 72," as are shown below.)

EXHIBIT 70



Skull of Polish officer showing entrance hole of bullet.

EXHIBIT 71



Personal effects found on Katyn victims.

EXHIBIT 72



Body of woman found in another mass grave, not with Polish officers.

Mr. FLOOD. Now, I show the witness these exhibits marked 70, 71, and 72, photographs, and I ask you, witness, if you will identify them, please.

Just take 70 and tell us what it is, and then 71, and so on. Take all three and tell us what they are.

Dr. TRAMSEN. Number 70 is corresponding to the beginning of the medical examination of the dead body, and it shows the skull of a Polish officer. The soft tissues from the neck have been removed, and it is clearly to be seen in the picture that a pistol-shot wound in the occipital bone has entered the skull this way. You can see that, because the bones of the skull consist of an outer and an inner layer, between which you see, in the bone, small parts, and what is called cells. And a shot that enters the bone like that will make an absolutely round hole on the outside and a greater hole on the inside of the bone, and we have seen that in practically all of the skulls that were examined by cutting the bone through. That is all I want to say about this picture.

Mr. FLOOD. While we are discussing that picture—I was going to take the details of the post-mortems later, all at one time, but since you have a picture, this last exhibit, which indicates the point of entry and the condition of the skull at the time you found it insofar as the bullet wound is concerned, I am going to ask you now to demonstrate on the interpreter the point of entry and the point of exit of the bullet on that skull and any others that you examined.

Dr. TRAMSEN. In the soft tissues in this area back of the neck [indicating].

Mr. FLOOD. The witness is pointing to the back of the neck at the base of the skull of the neckline.

Now, Doctor, for the purpose of the record, and since this is a highly technical and a very scientific piece of testimony, I wish that you would forget that we are laymen, unless you have to translate later, and, as though you were addressing a collection of pathologists, will you describe, in technical, pathological terms, the analysis of the point of entry and the point of exit?

Dr. TRAMSEN. Yes. In the soft tissues, in this area we always found a lot of marking of black gunpowder, which has more or less been pushed into the skin because the shot has been fired with the muzzle straight touching the skin and pointed forward, upwards, with the exit of the gunshot near the right or left temple at the fore of the head [indicating].

Would you like any further demonstration of this?

Mr. FLOOD. I would like you to indicate which is the occipital bone.

Dr. TRAMSEN. The occipital bone is the bone going in this direction [indicating] carrying forward on to the base of the skull surrounding the hole for the central nervous system.

Mr. FLOOD. Now, you were indicating the point of entry in the nape of the neck into the bone structure of the occipital bone. Is there any other technical description you could give to that area which might be described as the foramen magnum?

Dr. TRAMSEN. No.

The exit of the bullet—would you like to hear anything about the exit of the bullet?

Mr. FLOOD. Yes. Tell us technically the scientific description of the point of exit and the description of the area in scientific terms, the physiological examination.

Dr. TRAMSEN. In practically all of the dead bodies we found the exit of the bone along the line of the hair border in the left or right temple, and only in one or two we saw the exit line lower, below the eye.

Mr. FLOOD. Were there any skulls upon which there was more than one point of entry or exit?

Dr. TRAMSEN. We saw one skull with two points of entry and exit.

Mr. FLOOD. But in most cases, as I understand it, there was only one point of entry and one point of exit.

Dr. TRAMSEN. Yes.

Mr. FLOOD. Did you open any of the skulls in your post-mortems for the purpose of examining the interior to determine the course of the bullet or the condition of the interior of the skull with reference to the course of the bullet?

Dr. TRAMSEN. Yes; I have done that myself in one case, this Captain Szyminski that I told you about.

Mr. FLOOD. Will you give us the results of your examination of the interior of the skull in the body you examined?

Dr. TRAMSEN. The direction of the bullet in that skull was such as it couldn't possibly have avoided a lesion, a serious lesion, of the bottom of the brain and the so-called medulla oblongata, the nerve center of respiration, with an absolutely deadly effect.

Mr. FLOOD. Doctor, you indicated to us earlier that you had been shown the remains of bodies in the area from older graves, which you described as older Russian graves.

Dr. TRAMSEN. Yes.

Mr. FLOOD. Did you examine the skulls or see the skulls of any of those bodies found in the much older Russian graves in the immediate area of the Katyn grave?

Dr. TRAMSEN. Yes; I did.

Mr. FLOOD. What did you find?

Dr. TRAMSEN. Yes; I have got a picture; exhibit 72.

Mr. FLOOD. The witness now refers to exhibit No. 72.

Dr. TRAMSEN. That is a picture of a dead body that I saw. The Germans dug it out of a tomb further into the wood.

Mr. MACHROWICZ. Did they dig it out in your presence?

Dr. TRAMSEN. Yes. It is a body of a dead woman, and the head is covered with a sort of sacking, and the hands are tied on the back with a string carrying up around the neck. And the cause of death was the same, the shot through the neck and out through the temple. From the state of the dead body it could be concluded that it must have been lying in the ground pretty much longer than the dead bodies we saw in the Polish officers' tomb.

Mr. FLOOD. There are two questions that I want to ask you in connection with this exhibit.

First, does the point of entry and the point of exit and the course of the bullet indicated thereby found on the skull of this female body that you have just described in the exhibit—were they similar to the points of entry and exit and the course of the bullets found in the skulls in the Katyn graves?

Dr. TRAMSEN. Yes, they were exactly similar.

Mr. FLOOD. By "the Katyn graves" I mean the Katyn graves of the Polish officers.

Dr. TRAMSEN. Yes, quite right.

Mr. FLOOD. And secondly, in the graves containing the bodies of the Polish officers, did you find any bodies where the heads were covered with sacking or coating and tied with a rope around the neck, similar to the body you have just described in exhibit No. 72 as having come from an old Russian grave nearby?

Dr. TRAMSEN. No; I have not seen that.

Mr. FLOOD. You have told us that many of the bodies of the Polish officers were found with their hands tied behind their backs, and you described them in a certain way. Were the hands of this female body that you describe in exhibit No. 72 tied in the same manner that the bodies of the Polish officers were tied in the graves at Katyn?

Dr. TRAMSEN. No. I have not seen them tied in that way, but, if I may refer to the picture exhibit 53, I will give you a description of how the hands, generally, were tied on the Polish officers.

Mr. FLOOD. Will you demonstrate again upon the interpreter the manner in which you saw the hands tied on the bodies of the Polish officers?

Dr. TRAMSEN. Yes. As you see on this picture, the hands were tied on the back with a tight loop of string on one wrist, carrying the strings over on the other wrist, around that one [indicating], and a loop around both hands, tied in a long tie with long loose ends, evidently giving a lot of rope for each.

Mr. FLOOD. You mentioned that some of the hands were tied with wire. I suppose the hands were found in about the same position on the back of the body when tied with a wire?

Dr. TRAMSEN. Yes, pretty well the same way.

Mr. FLOOD. Doctor, in your official and professional capacity as an expert and an experienced pathologist, did you ever have occasion to examine bodies where the cause of death had been bullet wounds or gunshot wounds?

Dr. TRAMSEN. Yes, plenty. We had a lot of murder cases during the occupation in Denmark, and I did the post-mortems on pretty well all those murdered by gunshots or shots.

Mr. FLOOD. From the nature and the condition of the gunshot wound, the kind of wound and its appearance upon the body, is it possible for an expert pathologist to determine whether or not that shot was proximate to the body?

Dr. TRAMSEN. Yes, that is absolutely possible because you would not find a complete tattooing of the skin with the gunpowder unless the muzzle had been put absolutely close to or on the skin itself.

Mr. FLOOD. Doctor, in the body you examined, and in any examination of other bodies that were at Katyn, but with particular reference to the one upon which you performed the post-mortem, would you be able to say, from the blasting of the skull, from the finding of the powder marks as you have described them, and from the course of the bullet, that this had been fired proximate to the skull?

Dr. TRAMSEN. Yes, I can; because in many of the cases we observed a very big blast effect on the skull, in some cases, with long lines of fractures, and in a few cases with a complete loosening of the top of the skull, which could not have been done unless gunshot had been fired straight at the skull itself.

Mr. FLOOD. For the reasons you have just given, in the language of a layman would you say that the shot fired into the skull of the body you examined, and of the others that you saw in the graves at Katyn, had been fired at a very close or a point-blank range?

Dr. TRAMSEN. There is no doubt that they have all been fired at point-blank range; all those I have seen, anyway.

Mr. FLOOD. Now, is it possible for a pathologist of your experience and training, examining thousands of bodies containing gunshot wounds, as you have, keeping in mind the nature and the type of the wound and the similarity in all cases of the point of entry and the point of exit and the course of the projectile—is it possible for a pathologist, under those circumstances, to say whether or not those shots had been fired by a practiced hand or hands?

Dr. TRAMSEN. No, I wouldn't say that, because you need not have much practice for doing that sort of thing.

Mr. FLOOD. Did you make any examination with calipers or any other instrument as to the diameter of the wound so that you might be able to tell the caliber of the projectile?

Dr. TRAMSEN. Yes; we have, and I have, too. We could say that the entry wound in the skull is a pretty good picture of the caliber of the bullet. And, furthermore, we found, in one of the dead bodies, a bullet in the front part of the skull. This is what I can show you on the picture, Exhibit 52. I saw this picture being taken in Katyn, and it shows a bullet clearly lying in the exit wound of the skull, and all of our examinations prove that they must have been shots fired with bullets of a caliber 8 millimeter.

Mr. FLOOD. Do you know enough about the science of ballistics, or are you acquainted with pistol ammunition sufficiently well to be able to say if that would resemble what ammunition people call a 7.65?

Dr. TRAMSEN. Just a moment, please, and I will tell you.

Yes; I think it is quite true that it might have been a caliber 7.65. Anyway, as we put it in the protocol, below 8 millimeter.

Mr. FLOOD. Did you see the bullet you just described, that was embedded in that skull, after it was extracted?

Dr. TRAMSEN. Yes; I saw it, but I did not measure that myself, and it looked exactly like an ordinary pistol bullet.

Mr. FLOOD. Did you see, when you were at Katyn, or was there shown to you in the graves, or described as having been taken from the graves, the shell cases of any of the ammunition supposed to have been used there?

Dr. TRAMSEN. Yes; I have seen them, but I cannot recall very much about them. There were many of them among the dead bodies in the tomb.

Mr. FLOOD. Did you ever hear them described, when you were there, as cartridge cases of German-make ammunition?

Dr. TRAMSEN. Yes; I have. Germans themselves told me they were of German origin, but, at the same time, they stated that a lot of ammunition for pistols and other hand weapons had been delivered to Russia before Russia entered the war.

Mr. FLOOD. But the fact remains that you were shown, at the Katyn graves, cartridge shells said to have been taken from the graves; you were shown these shells by Germans who told you two things, first, that the cartridge shells found by the graves were ammunition, pistol ammunition, of German manufacture, but that, frequently, that caliber of ammunition had been sold to Russians and others?

Dr. TRAMSEN. Yes; that is right.

Mr. FLOOD. Now, Doctor, did you notice personally, or were you advised by any of your other brother scientists, whether or not there

were any other wounds on any of these bodies other than pistol wounds?

Dr. TRAMSEN. Yes. We saw several bodies with typical wounds of bayonets in their backs, of a special square kind.

Mr. FLOOD. Did you examine the point of entry of the bayonet wound?

Dr. TRAMSEN. Yes; I did.

Mr. FLOOD. Would you say it could have been triangular or square?

Dr. TRAMSEN. I saw several that could be doubtful, but I saw, anyway, at least one that definitely was of a square kind.

Mr. FLOOD. Are you in a position to express any opinion as to the type of bayonet used by the Russian armed services about that time?

Dr. TRAMSEN. No; I did not know at that time, but I had later been told that the Russians used those of a square type.

Mr. FLOOD. Would that same statement be true, as far as you knew or have heard since, with reference to the type of bayonet used by the Russian armed services in 1940?

Dr. TRAMSEN. It is possible; I do not know.

Mr. FLOOD. How many bodies were post mortems performed upon by your group of scientists, about?

Dr. TRAMSEN. We did nine total post mortems, examining the whole body and organs and all signs of lesions and diseases.

Mr. FLOOD. Now, after all of these bodies, the nine of them, upon which the dissections were made by you and your colleagues, you told us that you were permitted to select any body you wished. Was the same true of your colleagues; if you know?

Dr. TRAMSEN. Yes; they were completely free to choose.

Mr. FLOOD. Now, I want to return to the examination of skulls for a minute and ask you whether or not any matter was brought to your attention by any of your colleagues, having particular reference to the internal examination of the skulls.

Dr. TRAMSEN. Yes. We examined several of the insides of the skulls which were brought to Smolensk from the tombs after the post mortems, and Professor Orsos of Budapest, who is a specialist in doing post mortems in regard to deciding the time of death, had instructed us as to a new manner of examining the inside of a skull which has been interred for a long time. I had read about this method but had never practiced it before.

Mr. FLOOD. Was this method important for the purpose of establishing the time of death of the corpse?

Dr. TRAMSEN. Yes; to a certain extent.

Mr. FLOOD. Will you just indicate to us what the method was, with particular reference to the brain pulp or calcium formations?

Dr. TRAMSEN. Yes. If a skull is left in the ground for a certain time, at least for 2 years, the pulp of the brain will sort of lay down in a compact mass at the lowest part of the skull, and if you cut the skull through, with the lowest part still lying low, then you will cut through this pulp of the brain lying at the bottom of the skull and notice certain layers of grayish and yellowish stripes formed by the various chemical parts of the brain, the liquids and the phosphoric acids and salts of various kinds, laying down in a special layer that you can notice. But, as Professor Orsos has stated, this will not take place unless the skull has been lying in the same position for at least

2 years, and we had noticed that symptom in several of the skulls that were cut through.

Mr. FLOOD. So that, could any of the substance that you have described as being present in the brain under those circumstances be described as a calcium type of formation of some nature?

Dr. TRAMSEN. Yes, I think so.

Do you mean a calcification in the brain pulp could have developed in a couple of years?

Mr. FLOOD. That is correct.

Dr. TRAMSEN. Yes, it can; and we saw that, too.

Mr. FLOOD. Could you say that the brain pulp remaining in that part of the skull after such a lengthy burial could be described as being of a claylike nature or a claylike state?

Dr. TRAMSEN. Yes. It was like rather heavily compressed clay.

Mr. FLOOD. Did you observe, or were any observations made by your brother scientists, or others, in your presence, with reference to the presence of or the lack of insects in the graves?

Dr. TRAMSEN. Yes. We had particularly been looking out for insects, eggs, mites, and ants, but we found nothing of that kind.

Mr. FLOOD. Could it be reasonably concluded, based upon that finding, that the bodies were buried at a time of the year which would be insect-free or perhaps cold?

Dr. TRAMSEN. Yes, indeed. And it corresponds very well to the observation that the lack of original decay was obvious, particularly when you take into notice the climate of that part of Russia, which is very hot in summertime and very cold in wintertime.

Mr. FLOOD. Did you examine, did you see, or was it brought to your attention at the time you were at Katyn, that any of the skulls or bodies had indications of a ricochet shot thereon?

Dr. TRAMSEN. No; I do not recall that.

Mr. FLOOD. The type of wound that perhaps might indicate that shot had been fired at such a body, ricocheted therefrom or there-through, and struck another body, which may have been lying nearby?

Dr. TRAMSEN. Yes; that I remember.

In one case we found a bullet sitting, so far as I remember, in the shoulder muscles of one of the bodies in the tomb, and this bullet had penetrated so slowly and so little in the body that it could not have been fired pointblank, or must have penetrated something else before, in any case.

Mr. FLOOD. Doctor, it has been indicated to the committee by a number of witnesses of various kinds that trees of a certain height had been planted in the area, had been seen in the area, and had been removed from the grave just immediately prior to the grave being opened, of these Polish officers at Katyn.

Dr. TRAMSEN. Yes; I remember seeing quite a lot of lines of young fir trees about the height of one-and-a-half foot, and I saw them stretching out from the graves because they had been removed when those graves had been opened possibly.

Mr. FLOOD. Were any observations made or comments made by your colleagues or others there at the time with reference to those trees, anything of any special significance, that you recall?

Dr. TRAMSEN. Yes. But I do not understand much of forestry, and I have no special knowledge about. But the Germans produced a German specialist, a forester, who showed us these trees in cuts.

Mr. FLOOD. Do you remember the name of the German forester?

Dr. TRAMSEN. Hafferer, or something like that. I don't quite remember the name, I am sorry.

Mr. FLOOD. If you heard the name, do you think you would recognize it?

Dr. TRAMSEN. Yes; I think so.

Mr. FLOOD. Could it have been Von Herff?

Dr. TRAMSEN. Yes; that is it.

Mr. FLOOD. What did von Herff say or do when you were there?

Dr. TRAMSEN. I cannot exactly remember that von Herff demonstrated the trees himself, but I can remember that Professor Buhtz gave a conclusion that the German forester had put up and stated on the examination of these trees.

Mr. FLOOD. Do you recall the nature of Dr. Buhtz's observations about the trees?

Dr. TRAMSEN. Yes. And it was clearly demonstrated under microscope that the growth rings of these trees had some sort of arrest, had a special place, which could be assembled from one cut to the other.

Mr. FLOOD. How many graves, if you know, were opened at the time you were at Katyn, about?

Dr. TRAMSEN. Seven graves, with Polish officers.

Mr. FLOOD. You do not include the other so-called older Russian graves?

Dr. TRAMSEN. No.

Mr. FLOOD. You gave us some details with reference to certain types and kinds of documents, doctor. Did you observe, for any reason, any particular date which could be called the latest date, that you know?

Dr. TRAMSEN. Yes. We saw Russian papers dated as late as the 20th of April 1940.

Mr. FLOOD. By Russian "papers" I presume you mean Russian newspapers.

Dr. TRAMSEN. That is right.

And I remember having been shown a diary from one of the Polish officers showing a date as late as the 21st of April, and that was the very last date we could find on any of the papers or books or diaries found in these graves.

Chairman MADDEN. Mr. Machrowicz.

Mr. MACHROWICZ. Mr. Chairman, in connection with the statement which I made to the committee just before adjournment, I have since that time been informed that the particular witness in question, namely, Hans Bless, has prepared a written statement which he wishes to present to the committee. I understand he may not be available later. I would like to ask the indulgence of the present witness if we could interrupt for a few minutes to take advantage of his presence.

I would like to ask the chairman that, in all fairness to him and in order to complete our record, he be permitted to present to the committee the statement which he has prepared.

**FURTHER TESTIMONY OF HANS BLESS, STEINHEIM, WESTPHALIA,
GERMANY (THROUGH INTERPRETER VON HAHN)**

Mr. MACHROWICZ. Mr. Bless, do you have a statement you wish to present to the committee?

Mr. BLESS. Yes, I have. I have made a declaration in writing, which I would like to submit to the committee.

Mr. MACHROWICZ. Has anyone requested you for that declaration?

Mr. BLESS. No. I left immediately after I had testified; I left this building and went away on my own. I also had dinner on my own and went back to the hotel, from where I was taken here by car. But I have not been put under any pressure or no influence has been exerted on me in connection with this statement.

Mr. MACHROWICZ. Mr. Chairman, I would suggest that the letter be given to the interpreter and the interpreter can read it in the German language and translate it into English.

Mr. BLESS. I believe that my handwriting is not too good and I suggest that I read the German text:

To the congressional committee investigating the Katyn murders, in Frankfurt:

Subject: Declaration.

I regret very much that the committee took exception to the manner in which I gave my oath. Furthermore, as viewed from my side, I had not even thought about the manner in which this oath would have to be delivered. I immediately asked the interpreter what was going on when a certain unrest started among the audience. I did not understand why this happened.

I expressly wish to state that no political idea or the demonstration of any kind whatsoever was behind the manner in which I delivered my oath. It is the same way in which I always give my oath before German courts in criminal and civil cases, whereby, up to this day, no political question or controversy needed to be clarified. My attitude was never taken exception to.

This incident could, however, have been cleared at once if my attention had been drawn to it; whereupon, I would have acted in accordance with how I was expected to act.

The credibility of my statements may be substantiated from the fact that I declare that I was never a Member of the National Socialist Party, of the Communist Party, or of any of their affiliate associations. Should the manner in which I gave my oath be regarded as a Hitler or Nazi salute, I wish to state that I never gave the form of salute which was customary in the Third Reich with a tightly outstretched arm but with an arm held at an angle.

I put myself fully at your disposal for clearing up this matter and I would be grateful to you if you would make a statement to me.

Chairman MADDEN. I will say, Mr. Bless, that the committee is glad to receive your letter on this matter and that we will place your letter into the record. The committee wishes to emphasize that, in so doing, we do not recognize any political beliefs or countenance any political ideologies whatsoever that might be indicated by any overt action on the part of anybody rendering testimony.

So your letter is in the record and we are glad to have your explanation. Thank you very much.

Mr. FLOOD. Will you have the stenographer mark this envelope as "Exhibit No. 73"?

(The envelope referred to was marked for identification as "Exhibit 73.")

Mr. FLOOD. I show the witness exhibit No. 73 and ask him if that is in his handwriting?

Mr. BLESS. Yes.

Mr. FLOOD. Is that the statement you just read, in the envelope?

Mr. BLESS. Yes, it is.

Mr. FLOOD. We offer that in evidence.

Chairman MADDEN. Thank you, Mr. Bless.

(Exhibit 73 is a photograph of the letter which is in the committee files and is shown as follows:)

EXHIBIT 73

Hans Bless

Hotel Frankfurter Hof

FRANKFURT AM MAIN

Telefon-Sammeldnummer Stadt 49451 Auswärts 94141 und 94341 Telegr.-Adr Frankhol Frankfurt/Main
Fernschreiber 04 - 1443

23. 4. 52

An
den Ausschuss der Untersuchungskommission
der Katyn-Komode
in Frankfurt/Main

Z. Hd. Mr. Mitchell

Hoch. Erklärung

Ich bedauere es außerordentlich, daß
der Ausschuss Kustop an der Art der
Ablegung meines Eides anstand.
Dies nun so mehr, als von meiner
Seite aus gesehen, ich nicht das Ge-
ringste mir über die Art der Ablegung
machte. Ich fragte sogleich den Herrn
Johannsen, was eigentlich los sei,

Hotel ist nicht Absender

Roulette SPIELBANK WIESBADEN

täglich ab 15 Uhr · IM FOYER DER STAATSOBER · Baccara

OMNIBUSVERKEHR: Ab Frankfurt M. Hbf., Südseite, Savoy-Hotel · 14.45, 17.45, 20.15, 22.00, 1.00 U'hr · TELEFON 27685

Letter from Mr. Bless to Katyn committee.

EXHIBIT 73—Continued

als eine große Kunst im Kündi-
 forium einzuf. Diese war mir un-
 verstanden. Ich erkläre ausdrücklich,
 daß keinerlei politischer Gedanke oder
 eine bestimmte Demonstration dieser
 Ablegung zugrunde lag. Ich pflege auch
 vor deutschen Gerichten diese Form
 anzuwenden bei Straf- und Zivilprozessen,
 wobei bisher niemals eine politische
 Heilfrage zu klären war. Mein Verhalten
 würde niemals getadelt. Dieser Vor-
 fall hätte aber sofort geklärt werden
 können, falls man mich darauf
 aufmerksam machte und hätte ich
 mich dann völlig gern entsprechend
 verhalten können. Meine Ausführungen
 dürften wegen ihrer Glaubwürdigkeit
 dadurch verstärkt werden, daß ich sage,
 daß ich niemals Mitglied der NSDAP, der KPD
 oder einer ihrer Gliederungen war.

Wem

Letter from Mr. Bless to Katyn committee.

EXHIBIT 73—Continued

dies mir als Hitlergoß-Beschen
 ausgelegt werden sollte, so daß ich
 anführen, daß ich die im 3. Reich
 übliche Goßform nicht mit gestreckten,
 sondern mit stark gebogenen Armen
 damals anführte. Ich stehe zur wei-
 teren Klärung gerne zur Verfügung.
 Für eine Gegenklärung wäre ich
 dankbar.

Mit vorzögl. Hochachtung

Helge

TESTIMONY OF DR. HELGE TRAMSEN—Resumed

Mr. FLOOD. Dr. Tramsen, will you return to the stand, please?

Doctor, did you ever talk to any Russian peasants who lived in the area of the Katyn graves at any time you were there?

Dr. TRAMSEN. No, I have not done that personally as I don't speak Russian.

Mr. FLOOD. Did you see any of your colleagues, or were you with them at the time any of them, in your presence, spoke to any Russians in the area?

Dr. TRAMSEN. Yes. In the afternoon on the very first day, Professor Orsos spoke to three Russian civilians, and the talk was translated by interpreters into German.

Mr. FLOOD. What was the nature or the gist of the conversation, if you recall?

Dr. TRAMSEN. Professor Orsos asked these Russians whether they had seen, in 1940, Polish prisoners of war being carried from Gniezdowo railway station to the Katyn wood, and at the same time, they told that they had heard a lot of shooting in the early morning hours in the Katyn wood area, but that the wood had been guarded by Russians for a long time and no civilians had been allowed into that special area.

And that is what I remember of these talks with the Russians.

Mr. FLOOD. Doctor, we would just like one more scientific and professional opinion with reference to the degree of decomposition of any of the bodies you observed individually or a mass condition of decomposition with reference of one body to another in such a mass, as to coagulation and congealing.

Dr. TRAMSEN. I am sorry to say I have not got much experience according to mass graves, but from what I have been told and what I have read about before, the bodies interred in such graves must have been left there for a considerable time to be compressed and congealed in such a manner as they were here.

Mr. FLOOD. Would these circumstances and degrees of decomposition that you have just mentioned permit the conclusion of a contemporaneous burial, all at one time?

Dr. TRAMSEN. Yes. They were all decayed and compressed to such a degree and in the same manner that one could conclude that they must have been buried pretty well at the same time.

Mr. FLOOD. Do you remember a member of the International Medical Commission, a colleague of yours, from Bulgaria, one Dr. Markov?

Dr. TRAMSEN. Yes.

Mr. FLOOD. Do you remember whether or not Dr. Markov expressed any opinions with reference to who might have been responsible for these murders; what country, what people?

Dr. TRAMSEN. Yes. I spoke quite a lot to Dr. Markov in Smolensk and later in Berlin, and I am of the absolutely complete idea that he meant the Russians had done these murders. And so far as I remember, he said it directly at several occasions.

Mr. FLOOD. You have no doubt about that, Doctor?

Dr. TRAMSEN. That is quite correct.

Mr. FLOOD. Did Dr. Markov, to you or to anyone in your presence, then indicate that he was under any kind of duress or compulsion or threat from the Germans because of his position on this commission with you?

Dr. TRAMSEN. No; not at all.

Mr. FLOOD. You are aware, are you, that Dr. Markov has subsequently recanted his signature of this international medical protocol and states that he was forced by the Germans to participate and to sign?

Dr. TRAMSEN. Yes; I have been told that. But at the final meeting in Smolensk, nevertheless, Dr. Markov signed, as you see his personal signature here, the protocol that we concluded in stating that the shooting of the Polish officers must have taken place in the months of March and April of 1940.

Mr. FLOOD. Doctor, were you placed under any duress, direct or indirect, at that time by the Germans or by your own Danish Government and forced, against your will or with promise of advantage or gratuity, to participate in this investigation?

Dr. TRAMSEN. No; I did not. I took part in the commission on my own free will and have never been under any stress during those days by the Germans, the Danish Government, or any other authority.

Mr. FLOOD. Did you have the full cooperation of the German authorities during your scientific examinations of these bodies at Katyn?

Dr. TRAMSEN. Yes. I had the absolutely free allowance to move about, take pictures with my own camera, and was assisted by the

Germans in any way during my scientific examinations and autopsies of the bodies.

Mr. FLOOD. Were you prevented by the Germans at any time from doing any particular thing you wanted to do?

Dr. TRAMSEN. No; not at all.

Mr. FLOOD. As far as you know, was the same cooperation extended to your brother scientists on this commission?

Dr. TRAMSEN. Yes. They were all given the same facilities.

Mr. FLOOD. Have you been placed under any duress, or have you been the recipient of any promise by your Danish Government today, or by the West German Government, or by the Government of the United States, or anybody else, to appear here today?

Dr. TRAMSEN. No. I did that on my own free will.

Mr. FLOOD. From your examination, made as you have described in this length and detail, of the bodies in the graves at Katyn, is it possible for you to reach a conclusion as to the cause of death?

Dr. TRAMSEN. Yes. In all the cases I saw, which amounted up to nearly 800, it was undoubtedly, in every case, a rank murder and could not have been suicide or any other way of cause of death.

Mr. FLOOD. What was the nature of the instrument used in the murder, and what was the direct cause of death?

Dr. TRAMSEN. The way of murder was done by shots with pistols, at pointblank, and the cause of death was mortal lesions of the brain and the main nerve, consisting of the nerve centers for the respiration and circulation.

Mr. FLOOD. Is it possible, from the testimony you have given and from your experiences at Katyn, to approximate the date of death and the date of burial of the bodies you saw there?

Dr. TRAMSEN. From a medical point of view, that will be very difficult, but from the examinations of the decaying of the dead bodies, it can be concluded.

Mr. FLOOD. What is your conclusion?

Dr. TRAMSEN. First, that the murders and the burial must have taken place in a cold time of the year, in the winter or early spring, and, second, that the dead bodies must have been buried in these graves for at least 2 years, possibly anything up to 5 or 10 years.

Mr. FLOOD. Would it have been possible, for those reasons, under your conclusions, for those bodies to have been buried in March or April of 1940?

Dr. TRAMSEN. Yes; that is possible.

Mr. FLOOD. We offer in evidence all exhibits now up to and including No. 73.

Chairman MADDEN. Mr. Dondero.

Mr. DONDERO. Doctor, I have just one question.

You have told this committee that you examined the cord or rope with which the hands of these men were bound. Was that cord or rope flat or round?

Dr. TRAMSEN. I think it was a round woven cord, made of rather whitish sort of cotton thread.

Mr. DONDERO. Did you make a personal examination of it, or just a casual examination of the cord?

Dr. TRAMSEN. I have examined one of them very closely and brought one with me back to Denmark, and I have previously, about a year ago,

put it at the disposal of the committee by Mr. Arthur Bliss Lane, who took it back with him to the United States.

Mr. DONDERO. Would it be possible that it was flat, like a shoestring?

Dr. TRAMSEN. I can't remember.

Mr. MITCHELL. I would like to have the record show that Mr. Arthur Bliss Lane has offered that rope to this committee.

Mr. DONDERO. Arthur Bliss Lane was either at that time or later the Ambassador from the United States to Poland; is that correct?

Dr. TRAMSEN. Yes, that is correct; not a year ago but further back, about 3 years ago I think he was.

Mr. DONDERO. That is all.

Chairman MADDEN. Mr. O'Konski.

Mr. O'KONSKI. Doctor, have you been aware of or have you read the report of the Russian medical commission that made a report in January of 1944?

Dr. TRAMSEN. Yes, I have.

Mr. O'KONSKI. I would like to pick out some of the statements in that report and would like to have your comment on them, if possible.

One of the statements in their report is as follows: that only 20 out of 925 bodies had their hands tied behind their backs—speaking of the bodies that they dug up from the graves.

Does that square with the facts that you saw? That is only one out of every 50 bodies that had their hands tied behind their backs.

Dr. TRAMSEN. No; that is definitely incorrect.

Mr. O'KONSKI. They make much of the fact, in their report, that only 20, or about one out of every 50 bodies, had their hands tied behind their backs. That is incorrect, is it, according to your observation?

Dr. TRAMSEN. Yes. I saw only a few that were not tied.

Mr. O'KONSKI. Another statement that they make much of in their report is as follows:

In 1943, the Germans made an extremely small number of post-mortem examinations.

Does that square with the facts?

Dr. TRAMSEN. No.

You see, at that time the German commission had already done a lot of post mortems, and about 800 identifications, and we checked these identifications and raised the post mortems with another nine, with a total autopsy of the bodies.

Mr. O'KONSKI. Another part of their report states that although, in the post mortems, the coats and the shoes were cut for the removal of documents, after they dug up the bodies they still found many documents on the bodies.

Is that very likely to have happened?

Dr. TRAMSEN. Which dead bodies are those the Russians are speaking about; those the Germans had already examined?

Mr. O'KONSKI. The same bodies.

Dr. TRAMSEN. So far as I could see, the examination of the dead bodies was very thorough, and all papers and identification marks were removed from the dead bodies and checked in the German reports.

Mr. O'KONSKI. Another part of their report states that in spite of the search by the Germans for documents, they still left, on some of the bodies, the same bodies, some documents, including diaries.

Is there any likelihood that your commission or the Germans would have buried back any diaries with those bodies?

Dr. TRAMSEN. No. I think that is very unlikely because the German examination was very thorough and they were particularly interested in diaries that could give personal reports from the prisoners of where they had been captured and in which camp they had stayed and what had happened to them altogether.

Mr. O'KONSKI. When it comes to the cause of death, the shooting, the Russian report and your report are almost identical; the only other part where they disagree with your report is the extent of decay. And this Russian medical commission claims that the deaths were sometime in the early fall of 1941. Is that possible?

Dr. TRAMSEN. From a medical point of view, I wouldn't say it would be impossible. As I tell you, we could reckon that the dead bodies must have been in there 2 years, for at least 2 years. That makes exactly 2 years, at the spring of 1941.

Mr. O'KONSKI. They claim it was the fall of 1941.

Dr. TRAMSEN. I should hardly think so, because it is not anywhere close to what could have been possible.

Mr. O'KONSKI. Doctor, before the war, in your study of pathology, you had an opportunity to become acquainted or have heard or read of almost every expert on pathology in Europe, have you not?

Dr. TRAMSEN. Yes; if I may say so.

Mr. O'KONSKI. These medical men that you attended this exhumation with at Katyn, you had heard most of those names as being experts before you got over there, did you not?

Dr. TRAMSEN. Yes. I knew a few of them personally before.

Mr. O'KONSKI. Did you ever hear or become acquainted with in reading, writing, mail, or personal contact or conversations, or did you have occasion to meet any Russian experts on pathology?

Dr. TRAMSEN. No.

Mr. O'KONSKI. You never had?

Dr. TRAMSEN. No; I never had.

Mr. O'KONSKI. You never heard of the name of V. I. Prozorlobsky as being an expert on pathology?

Dr. TRAMSEN. No.

Mr. O'KONSKI. Did you ever hear of the name of V. M. Smolyanobov as being an expert on pathology?

Dr. TRAMSEN. No.

Mr. O'KONSKI. Did you ever hear of the name of D. N. Vyropaybe as being an expert on pathology?

Dr. TRAMSEN. No.

Mr. O'KONSKI. Did you ever hear of the name of P. S. Smemevosky as being an expert on pathology?

Dr. TRAMSEN. No; I did not.

Mr. O'KONSKI. Or did you ever hear of the name of M. D. Shviakova as being an expert on pathology?

Dr. TRAMSEN. No; I did not.

Mr. O'KONSKI. In other words, Doctor, those names are all strange to you, are they not?

Dr. TRAMSEN. They are all strange to me.

Mr. O'KONSKI. Together with Dr. Markov, do you remember a Dr. Hajek of Czechoslovakia who was with you on the commission?

Dr. TRAMSEN. Yes.

Mr. O'KONSKI. In your conferences and meetings with Dr. Hajek of Czechoslovakia, what was his reaction to the cause of the crime at Katyn and when it was committed?

Dr. TRAMSEN. Professor Hajek was a professor of legal medicine in Prague and he did a post mortem himself and took part in the committee's meetings, and he was of absolutely the same idea as the other members and signed the protocol personally with the same impression that the murder has been done by the Russians as stated in the protocol.

Mr. O'KONSKI. Have you heard rumors that he has also recanted the signing of that?

Dr. TRAMSEN. That I know. I was told that last night and I have heard and read in the papers previously that he has taken back his statement and given a completely other idea about the whole Katyn affair.

Mr. O'KONSKI. Did that news surprise you, after talking to him as you did at this investigation at Katyn?

Dr. TRAMSEN. Yes; it certainly has astonished me.

Mr. O'KONSKI. It is interesting to note from the signing of that protocol, just from the standpoint of chronology, that both Dr. Markov and Dr. Hajek signed the protocol before you did. Therefore, if they did it under duress, it seems strange because they signed it before you did. You were among the last to sign the protocol.

Dr. TRAMSEN. I was not quite aware of that because I think we signed it all pretty well at the same time. So far as I remember, we were produced a copy of the protocol that evening we finished our meeting in Smolensk and we signed it then and, on our way back to Berlin and the landing at Bialistok, were produced a copy each to sign for each other.

Mr. O'KONSKI. In other words, Doctor, the opinion among the 12 of you medical experts was such that it made no difference who signed it first? You were all unanimously agreed, willingly, without duress?

Dr. TRAMSEN. Yes.

Mr. O'KONSKI. That's all.

Mr. DONDERO. Dr. Tramsen, who prepared the protocol?

Dr. TRAMSEN. We had a meeting in Smolensk, which was led by Professor Buhtz, the German, and the written way of the conclusions was suggested by Professor Orsos, and corrected or edited by all of us giving our statement each. So we had written down, all of us, in our own writing, the copy of the conclusions and it was later copied by the Germans so we could see that it was correctly written before the signature was made.

Mr. MACHROWICZ. Doctor, prior to your designation to this committee, were you an active member of any political party or an active supporter of any political ideology in Denmark or outside Denmark?

Dr. TRAMSEN. Well, I must confess that I had my own political ideas, but it was in neither one direction nor the other. It was only anti-German because we had a German occupation, and at the time when I took part in this committee, I had been a member of the Danish resistance movement for about 1 year.

Mr. MACHROWICZ. So then, there was nothing in your past activities or any political statements which would indicate at the time of your

appointment any particular sympathies toward the German cause, is that correct?

Dr. TRAMSEN. No. I should rather say the opposite.

Mr. MACHROWICZ. Before you accepted your appointment on this committee, did you converse with anyone else in Denmark other than those people whom you have already testified to?

Dr. TRAMSEN. Yes; I did. I made contact with two of the best men in the Danish resistance movement and put the case in front of them and they suggested that I should go because it would be of general interest to know what had taken place in Katyn.

Mr. MACHROWICZ. Anyone besides those?

Dr. TRAMSEN. No, but I may add that to prove that I did not have any special German sympathies, I continued my work in the Danish resistance movement after I came back and was taken prisoner by the German Gestapo and held for 1 year in a concentration camp—the last year of the war.

Mr. MACHROWICZ. All right now, you arrived in Berlin, as you testified. Whom did you see in Berlin in connection with your mission?

Dr. TRAMSEN. As I may show you on this photograph, the commission took part in a meeting with the German Reichsgesundheitsamt Fuehrer Dr. Conte in his office, and here the protocol was handed over to Dr. Conte by the joint committee and Professor Orsos in person.

Mr. MACHROWICZ. Did all the members of the committee participate in that meeting?

Dr. TRAMSEN. Yes; all the members took part in that meeting.

Mr. MACHROWICZ. Was there anything said or done at that meeting which you could interpret as an attempt to influence, advise you, or compel you to do anything against your own wish?

Dr. TRAMSEN. No; not at all. The meeting took place under very friendly forms and the committee just handed over the protocol to Dr. Conte who thanked us for the work and nothing else.

Mr. MACHROWICZ. Did you see anyone else in Berlin in connection with your mission?

Dr. TRAMSEN. Only scientific people. We visited the University of Berlin Forensic Medical Institute and met a lot of German doctors and specialists, but we did not have any official meeting anywhere else in Berlin.

Mr. MACHROWICZ. After you arrived in Smolensk, were you then met by anyone and given any instructions or warnings of any kind which might be considered by you as any undue pressure upon you?

Dr. TRAMSEN. No; we were met at the airport with quite a lot of high German officers, General Holm and Professor Buhtz, and a lot of German military doctors, and at the first meeting they stated we could move about freely and do all examinations we wanted to do in the Katyn area freely. They just did advise us not to walk around very much alone in the town of Smolensk, which we didn't feel very much like doing either.

Mr. MACHROWICZ. Were those orders ever changed?

Dr. TRAMSEN. No.

Mr. MACHROWICZ. Did you receive any compensation or reward of any kind, monetary or otherwise, for your services in connection with this matter.

Dr. TRAMSEN. No; I did not.

Mr. MACHROWICZ. Have you read Dr. Hajek's complete statement of March 10, 1952, as reported by the Tass Soviet Agency?

Dr. TRAMSEN. No; I have not.

Mr. MACHROWICZ. In that statement, he claims that most of the members of your committee were not well conversant with the German language and, therefore, could not understand what they signed. Can you comment on that statement?

Dr. TRAMSEN. I know only one of the so-called members that did not speak German very well. That was a Frechman and he didn't take part in the committee's meetings nor the signature of the protocol.

Mr. MACHROWICZ. He was not a member of the committee, was he?

Dr. TRAMSEN. He was not an actual member. He was only, as the Germans said, a Voelkischer Beobachter.

Chairman MADDEN. What was he in English?

Dr. TRAMSEN. He was a psychologist.

Chairman MADDEN. No, this remark that they made.

Dr. TRAMSEN. That is a German joke because Voelkischer Beobachter is the name of an official Nazi paper and means public observer.

Mr. MACHROWICZ. He states also that he was forced under duress to accept this assignment and was told that he might be placed in jail unless he accepted it. Was there anything that he said to you or to anyone else that indicated that was true?

Dr. TRAMSEN. No; not at all.

Mr. MACHROWICZ. Did you have occasion to have conversations with Dr. Hajek?

Dr. TRAMSEN. Yes, I had.

Mr. MACHROWICZ. And were those conversations just the two of you or were there others present?

Dr. TRAMSEN. On several occasions I spoke to him personally, one to the other, because I was interested to know the conditions in Prague in the university at that time.

Mr. MACHROWICZ. Did he ever give you that impression as now made in his statement?

Dr. TRAMSEN. No; certainly not.

Mr. MACHROWICZ. He states further that the first thing that struck him after he arrived at the scene was the fact that it all appeared as a prearranged affair.

Dr. TRAMSEN. It must have been a mighty big arrangement anyway. I never saw anything like that.

Mr. MACHROWICZ. He states further that on the basis of his observations "and the work done by me upon several bodies, I immediately, with all positiveness, confirmed the fact that these bodies could not have been there 3 years, as the Hitlerites claimed, but only a short time—not more than 1 year." Now, did he ever make that statement to you?

Dr. TRAMSEN. No. I do not know anything at all about that and he stated quite another thing when he signed the protocol himself and he took part in the discussion in the committee that last evening in Smolensk, and he totally agreed with us that the bodies must have been in these graves for at least 2 years—possibly longer.

Mr. MACHROWICZ. Now, he stated further that he found in many instances the fingers, the nose, the lips, and even the skin, in a good state of preservation which would indicate that the bodies could not have been there 3 years. What did he say about that?

Dr. TRAMSEN. I must say that there was a certain decay of the dead bodies, including skin, noses, and lips, and this decay was particularly developed in those bodies lying at the outside of the graves, while those bodies lying in the midst of the heap were very well preserved. As you could think when there would be no bacteriological decay because of the weight of the dead bodies, the pressure, and the weight of the tons of sand again, which has worked the whole thing out like pressed meat, with no air and no opportunity for the bacteria to work and accomplish the decay on noses, lips, and fingers.

Mr. MACHROWICZ. Did he ever indicate to you or to anyone else in your presence that those factors I have just mentioned were indicative of the fact that the bodies were not there as long as claimed in your report?

Dr. TRAMSEN. No. We were all of the same opinion that the dead bodies must have remained in the graves for at least 2 years.

Mr. MACHROWICZ. He points also in his statement to the fact that the buttons and other brass items on uniforms did not show sufficient rust to indicate that the bodies had been in those graves the period of time your report claims they were. Do you remember that factor?

Dr. TRAMSEN. The buttons and the insignia on the uniform caps and various other metal parts were, for the greater extent, in a good condition. They were made of pewter or aluminum, which, as far as I know, do not get rusty.

Mr. MACHROWICZ. He states further that in some cases he found tobacco which was still of its natural color and had not lost its odor, which indicated it could not have been there long. Was your attention called to any such instance?

Dr. TRAMSEN. Well, I have seen several tobacco purses and pipes, and even purses with cigarette paper and cigarette tobacco, but this tobacco was mainly in a bad state—brownish and of a very bad smell. I wouldn't like to smoke it, anyway.

Mr. MACHROWICZ. Now, he says further that one of the matters that struck him immediately was the fact that the bayonet wounds were not as deep as they would have been if Russian bayonets had been used because Russian bayonets were sharper and longer. Now, has that been brought to your attention, or did you notice anything about that?

Dr. TRAMSEN. I can only remember one case during the autopsies where a bayonet wound was really made clear, and that was a rather longish wound, as I told before, square in the outline and going under the right shoulder, right deep through the lung. If that is possible for a Russian or any other bayonet, I shall not be able to tell the difference there, but it was, anyway, a rather deep bayonet wound.

Mr. MACHROWICZ. I might say that in his statement he does concede that the former Russian bayonets were four-cornered and would produce a square opening. Is that the kind of opening you saw?

Dr. TRAMSEN. Yes.

Mr. MACHROWICZ. Now, in all your time with Dr. Hajek, do you remember him at any one single instance calling to your attention or to the attention of the other members of the committee in your presence these facts which I have now outlined and which he includes in his statement?

Dr. TRAMSEN. No; I have not heard Professor Hajek at Smolensk give any evidence in that line he has just done lately.

Mr. MACHROWICZ. That's all.

Mr. O'KONSKI. Dr. Tramsen, when you got back from this trip you were delegated to go on to Katyn, were you approached by the then German Government to enlist with them in some lecture tour or propaganda tour? Would you care to make any comment on that, if that happened?

Dr. TRAMSEN. Yes. I was called to meet the German High Commissioner in Denmark, Dr. Best, who very strongly put it to me that it was necessary that I spread the details about these observations among the Danish population.

Mr. O'KONSKI. Did these officials of the then German Government offer you any remuneration if you would participate in any such political activity?

Dr. TRAMSEN. Yes; they did. Not the official German Government, but at that time in Copenhagen the Main Institution for German Culture. They offered me rather a big reward for going about making lessons and demonstrations about the observations in Katyn.

Mr. O'KONSKI. Would you care to mention to this committee the extent of the remuneration that was offered and the other enticement that was given—roughly?

Dr. TRAMSEN. Yes. Quite a good offer in money, extending to—well, I may say, about \$50 for each lesson.

Mr. O'KONSKI. Well, in every instance, you refused to participate in that type of propaganda activity or political activity after you returned from Katyn?

Dr. TRAMSEN. Yes. I did not make any public or any other statement about my observations although I was very well attacked by a lot of reporters. This is the first time I give a public statement on my observations on my Katyn travel for this committee now today.

Mr. O'KONSKI. Doctor, one more question:

Do you think you might have been spared 1 year in a German concentration camp if you had participated in accepting the offer which they made to you?

Dr. TRAMSEN. No; but I am sure I had a very easy escape with that 1 year after what happened to my fellow patriots.

Mr. O'KONSKI. In other words, Doctor, it is safe to say, is it not, that your interest in Katyn was purely one of honor in regard to your profession, which was medicine, and not political in any manner, shape, or form?

Dr. TRAMSEN. That is so.

Mr. O'KONSKI. In that respect, I want to say that you are a credit to the medical profession.

Chairman MADDEN. Any more questions?

Now, Doctor, if there is any more that you wish to add to what you have already said, the committee would be glad to hear you.

Dr. TRAMSEN. I don't think I have anything more to add.

Chairman MADDEN. On behalf of the committee, I want to say that we appreciate your great sacrifice in coming here today. We fully realize that your business has been neglected, by reason of taking time to come down to Frankfurt. Your testimony has been very valuable in fixing the time of the burial of these bodies at Katyn, and this committee owes you a debt of gratitude in contributing facts concerning this international crime.

Thank you very much.

Dr. TRAMSEN. Thank you very much for having listened to me.

Chairman MADDEN. Dr. Wilhelm Zietz.

**TESTIMONY OF DR. WILHELM ZIETZ (THROUGH THE INTERPRETER
ARTHUR MOSTNI)**

Chairman MADDEN. Do you have any objection to being photographed?

Dr. ZIETZ. No; I do not.

Chairman MADDEN. Give the reporter your full name and address.

Dr. ZIETZ. Dr. Wilhelm Zietz, Wesseldueren/Holstein, Suderstrasse 26.

Chairman MADDEN. Doctor, I'll read a statement.

Before you testify, it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Do you understand that?

Dr. ZIETZ. Yes.

Chairman MADDEN. You will stand and be sworn, Doctor.

Do you swear by God the Almighty that you will, according to the best of your knowledge, tell the truth, the whole truth, so help you God?

Dr. ZIETZ. I do, so help me God.

Mr. FLOOD. What is your name?

Dr. ZIETZ. Wilhelm Zietz.

Mr. FLOOD. Were you formerly identified with the former German Government?

Dr. ZIETZ. From 1939 through 1945 I was with the Reich Health Service and the Reich Chamber of Doctors.

Mr. FLOOD. In 1943, what was your official title with the then German Government?

Dr. ZIETZ. I was Deputy Chief of the Reich Public Health Service and Reich Physicians' Chamber with the Foreign Office.

Mr. FLOOD. Who was your chief?

Dr. ZIETZ. Dr. Conte.

Mr. FLOOD. What was his title?

Dr. ZIETZ. Reich Leader of Public Health Service and Secretary of State.

Mr. FLOOD. I direct your attention to the year 1943 and ask you when and under what circumstances was the Katyn matter brought to your attention in your official capacity?

Dr. ZIETZ. We of the department first heard a radio address of former Reich Minister Dr. Goebbels who broadcast to the public for the first time that a massacre beyond imagination had been discovered at Katyn. To the best of my recollection, it must have happened within the first 14 days of the month of April. Subsequently, I learned that it was Professor Buhtz who was in charge of the exhumations at Katyn. Professor Buhtz just happened to be a good old friend of

mine since the days of our common studies. I knew him to be a very reliable scientist of extremely good character.

Subsequently, I called him at Smolensk and asked him what I should believe of this report. He told me over the phone that discoveries of extreme importance had been made in connection with gruesome executions of former Polish officers, and that it was his opinion that the Russians had been those who committed the executions. He told me, however, that the figures indicated by Dr. Goebels did not square with the truth. In fact, those figures were less, and this fact, he told me might perhaps be explained by the fact that about 11,000 or 12,000 Polish officers were still missing.

I asked him whether or not it would be desirable to dispatch a committee of international scientists to the scene which he answered in the affirmative.

I subsequently proceeded to Dr. Conte who gave me an absolutely free hand to act, provided that both of us would agree upon the dispatch of an international committee being desirable.

I subsequently proceeded to the Foreign Office and the cultural political department which, in fact, was competent for such affairs and I discussed with the cultural political department the expediency of such an international committee. The cultural political department of the Foreign Office right away agreed to it.

Subsequently, someone spoke over the phone with Foreign Minister Ribbentrop at Fuschel—I don't know any more who it was—and received on the next day already his complete agreement.

It was agreed upon that the host would be the Reich health leader so as not to give a political tang to this whole affair, and the Foreign Office had nothing to do but merely convey the invitations of the Reich health leader to all people—friendly nations, neutral nations, as well as our allies. In case they were occupied territories, appropriate German occupation authorities were contacted who, in turn, conveyed the messages to the proper local agencies. In essence, the Foreign Office was responsible for the conveyance of most of these invitations to foreign countries. It all went very fast, and, if I am not mistaken, during the latter days of April 1943, we had collected all the participants in Berlin. Eventually, it is a well known fact, we had 13 countries participating, 12 representatives who felt they had full authority to act, and a thirteenth, as Dr. Tramsen already testified, the representative of the French Vichy Government, who felt he was merely competent as an observer.

I no longer possess any written documents which I might refer to, such as Dr. Tramsen possessed in huge quantities, so I have to rely upon my power of recollection and particularly so as I haven't seen the white book ever since 1945.

All our guests were quartered at the Adlon Hotel in Berlin and, up to the time of their leaving for Smolensk, they were taken care of by myself there.

The flight to Smolensk must have taken place on the 27th or 28th of April. Dr. Tramsen would be in a better position to know that. I wouldn't know any more. I was taking care of the guests by asking every individual guest as to his wishes and desires, and sometimes also attending to dinner parties or supper parties and also inviting a series of German physicians to attend, as, for instance, Dr. Mueller-Hesse.

Mueller-Hesse was Berlin's most prominent doctor of forensic medicine and still is today. He, subsequently, too was at Katyn.

Neither the Foreign Office nor Dr. Conte had given us any instructions as to Katyn. I was officially instructed to accompany the committee and to take care of all their desires. There was no discussion whatever of a protocol or any kind of agreement or stipulation because none of us knew what we had to anticipate at Katyn. We flew to Smolensk in a Condor plane. There was a stop-over sometime in Brest-Litovsk where we had breakfast. There was nobody present but an observer of the Foreign Office, whose name, however, I don't know and who actually did nothing at all but just observe, so that most likely, the members of the committee did not get to know him at all. There was also a female doctor from Berlin/Lichtenfelde traveling along, whose name I indicated to the committee at Godesburg some time ago. That was the desire of some ministry. Neither I nor she knew why she came along. Actually, she was not anxious to go there to see what there was to see. Then there was a photo reporter in order to take snapshots. To the best of my knowledge, his name was Pabl, but I believe he was killed in action. He is no longer alive.

In Smolensk we were greeted by a general surgeon, Dr. Holm. Recently at Godesburg I said that to the best of my recollection his name was Reinhardt, because I could not properly recollect. I want to correct that statement: his name was Holm, and he is purportedly still alive.

In addition, there was a number of members of the German Army, principally doctors.

We were escorted to a so-called hotel at Smolensk. It was a hotel of which the Russians boasted, which consisted of nothing but a facsimile, and which was so dreary that you actually couldn't expect to find anything else in a destroyed town.

In the evening, as every day, we had supper at the casiono of the general surgeon. Dr. Holm took very much care of foreign guests, and during the meeting in the evening he promised every freedom of movement during inspection or survey, and placed every support and every cooperation of the army group central at their disposal. We did not see Field Marshal General von Kluge. On our way to Smolensk we constantly had to pass by his residence. It was called, I believe, the red castle, or something to that effect.

To the best of my knowledge on the first evening, at the occasion of a greeting by Holm, there was practically no discussion of Katyn. It was more or less meant that the individual members got acquainted with each other. Holm and Buhtz were very much concerned about these gentlemen getting an absolutely independent impression. Subsequently there were inspections, surveys, post mortems, and the familiarizing of them with the environment of Katyn, always under the leadership of Buhtz and Holm. I myself always had been present, even though I was not a medical doctor.

I recall we also visited the so-called museum of the field police, where all items had been placed on display in glass showcases, which so far had been discovered by way of diaries, also pocketbooks, tobacco pouches, and so forth. That is where I believe we got to know Mr. Voss, who, I take it, was in command of the field police.

The members of the committee were free to take anything out of the showcases they were interested in or which they desired to read.

There was no document that would not have been accessible to them.

The graves were exhaustively inspected and the entire area of the woods was surveyed. By the side of the largest of the main graves—and I take it that it was grave No. 5, but I am not positive, I may be mistaken about that—wooden tables were placed for the post mortems or the autopsies, as well as small tables for the typewriters on which autopsy reports could be typed up.

Dr. Holm and Dr. Buhtz had thoroughly prepared everything so that each of these foreign gentlemen who desired to do so could perform autopsies.

Some of the gentlemen worked all by themselves; others worked in teams of two. They were assisted by gentlemen from the Institute of Forensic Medicine, which had moved from Breslau to Smolensk, medics, noncoms, and Polish and Russian laborers as well, who were carrying corpses.

The smell of the corpses was impossible to bear, so, for the first time in my life, I became a chain smoker. Shortly beyond the residence of von Kluge the smell of the corpses became discernible. It was a very hot summer.

I myself am no expert in autopsies. However, I looked at everything closely and I was even able to stand it through to the end. It was my principal duty to see to it that all wishes of our foreign guests were met.

Incidentally, I recall there was a broadcasting truck present, where discs might be made and broadcast right away. I myself had such a conversation with Professor Saxen, from Helsinki, a professor of the University of Helsinki, a professor of pathology. I also made a disc with a female doctor from Berlin, who, however, told me these corpses were so gruesome, and she asked me to only mention the corpses in the introduction, so that our conversation over the radio consisted more or less only of a discussion of a wide Russian country, the city walls of Smolensk, the relics of Napoleon, and the Cathedral.

I take it I need not discuss the details of Katyn because Dr. Tramsen did so exhaustively.

On the last day at noon, still at Katyn, certain members of the delegation asked me what we now anticipated or expected from them as a result of it. They themselves suggested to me that it was most likely they would be of a unanimous opinion in regard to a protocol. This intimation did not start on the German side. As a matter of fact, it was made by the foreign, by the alien parties.

We met Professor Buhtz at the Institute of Forensic Medicine in the afternoon. With one exception, there were no Germans present but Professor Buhtz and myself. Professor Buhtz was requested to take charge of the negotiations, that is, more or less only of the technical side of the discussion, not of the contents. As to the contents, it was more or less performed by the spokesman of the committee, the senior member, Professor Orsos. It was, at any rate, a discussion between the foreign participants as to what should be contained in the protocol. There were no material discrepancies of opinion, it was more as to the form or as to the extent of the statements to be made.

For instance, I myself did not know this at Katyn, I mean, the question of the planting of trees. During that session, however, Professor Orsos requested a microscope. He produced out of a bag one of these saplings that Dr. Tramsen had mentioned before, and demonstrated.

by the specimen, that these saplings had been replanted on one previous occasion and that, according to his findings, these saplings had been standing in one place for 3 years, and prior to that, for another 2 years, in a different place.

It was very interesting to notice, during that discussion as well as during all of the previous discussions, that all of the participants of the committee were unanimous as to a recognition of the international reputation of Dr. Orsos. But even in the course of this issue here there was a clear political difference between the Hungarian and the Rumanian. The Rumanian guest was a lecturer of the Institute of Forensic Medicine at Bucharest, which enjoyed a very good reputation. His name was Dr. Birkle. He emphasized, however, that he was no German but a full-blooded Rumanian. Dr. Birkle frequently objected to the findings of Dr. Orsos, and frequently found them to be too far reaching or of a too dictatorial nature.

All of us frequently smiled at these bickerings, because it was our opinion that this was clearly manifested in former differences about Sienburgen and other parts of the country. This was expressed particularly when the question of these fir trees arose. Birkle said, in essence, as follows:

"Professor Orsos, you may be a really competent doctor of forensic medicine, and you might also be a very good artist, but that you, however, wish to be a very competent botanist, that is going too far."

Now, Professor Orsos demanded that his theory be adopted. I mean, the theory about the 3 and 2 years, respectively. Then one of the participants asked whether or not there was a forestry expert of the army group present. Professor Buhtz replied in the affirmative, and called up from the very same room that a forestry expert should report at once. He actually appeared within a few minutes, and he had no inkling as to what he was supposed to say. That was Mr. von Herff.

Now, Mr. von Herff took one look at the microscope, and, I wish to emphasize, right on the spur of the moment, without having been told before what the subject of the discussion was, said, "This tree here has been standing in one place for 3 years, here is a notch, and it has been standing in another place 2 years prior to that." That, at least, is what I remember.

After this clear-cut, expert statement of Mr. von Herff, Dr. Birkle admitted that he had been licked, and he furthermore admitted that Dr. Orsos was also a competent botanist.

Essentially, I can fully concur in what Dr. Tramsen testified to before in the course of those proceedings. Not a single one of the foreign participants was forced to make a statement for the protocol or to sign anything. What could we, the two German participants, have done if anyone had said, "No, I won't sign it"? He would merely have had to say, "I haven't received such authority from my Government; I was merely instructed to go and take a look at the things at Katyn." That was the attitude taken by the French representative, who has been previously sufficiently characterized by Dr. Tramsen. He was a good-natured old gentleman who, however, had no essential private opinion. He stated, however, that he, for his person, was in full agreement with what he saw and with what the committee determined. I am referring to the end of the protocol where, if I remember correctly, he and Professor Buhtz are men-

tioned as the two gentlemen who fully concurred in what had been said. I, for my part, could not indicate my agreement, due to the fact that I am not a medical man.

This instrument, when we were back in Berlin, was transmitted by the foreign participants of the committee to my chief, Dr. Conte, on the occasion of a formal visit, and it also included a formal speech. Subsequently, and by his order, I transmitted one copy of it to the Foreign Office. Then we had photostatic copies made so that the signatures would also be pictorially visible, and gave one copy to every member.

Part of the members of this delegation remained in Berlin for another week, and we further took care of their wishes. For instance, I made an appointment for a visit to the Institute of Forensic Medicine in Berlin; they purchased medical textbooks; they went to look at this or that. Then they individually left Berlin.

Some time later, it might have been about 10 or 14 days later, a German medical committee had been flown up there. It was I who also intimated that such a commission should go. However, I did not take part in it. The most prominent member of it, I believe, was the formerly-mentioned Mueller-Hesse. That delegation, too, went on record with a statement.

The Foreign Office was preparing a so-called White Book of the Katyn incident, and these visits, as well as the determinations set forth in the protocol, were also mentioned in the White Book. I then cooperated in the preparation of the White Book, and principally saw to it that a great medical report of Professor Buhtz was contained in it, in which he set forth all of his experiences. I had a series of pictures made, which I deemed expedient, and I was also proofreading, along with others.

When my book had been completed, I submitted one copy to each of the foreign participants and received friendly letters of gratitude from all of the members as I remained in a pleasant exchange of letters and thoughts with many of them.

MR. FLOOD. May I say this, doctor: I am interested in that very extensive and detailed report. When you invited the foreign and neutral governments to participate in the commission, did any of them refuse?

DR. ZIETZ. We don't know who had been invited by the Foreign Office. In Switzerland, for instance, as also in other countries, invitations were conveyed through the Ambassador. For instance, we would have liked to have Spain and Portugal also represented; however, the efforts of Dr. Conti in this respect were of no avail. Perhaps there were too many objections engendered by neutrality.

MR. FLOOD. Did you ever hear that Portugal refused?

DR. ZIETZ. No.

MR. FLOOD. Did you ever hear that the Spanish delegate never participated?

DR. ZIETZ. No, he did not participate. Spain was not present.

MR. FLOOD. Did you know that the Swedish delegate was seriously injured in a motor accident just before he left Stockholm for the Berlin meeting?

DR. ZIETZ. Yes; we deeply regretted it. I believe he sustained an injury of his spinal column, vertebrae, or something to that effect, and for a whole year he lay in a plaster cast. We already had been notified

of his participation, and we would have liked very much to have had him, and I have been with him in amicable correspondence for a long time.

Mr. FLOOD. Were you here this morning when Dr. Sweet, of the allied institute for the possession of war-captured documents, was testifying?

Dr. ZIETZ. No. Due to a failure of a locomotive, I arrived 2 hours late.

Mr. FLOOD. Did you know that the Foreign Office, in transmitting the invitation that you are talking about, has asked certain of its diplomats to look for anti-Jewish or pro-Nazi scientists?

Dr. ZIETZ. That is unknown to me. These suggestions definitely were not made by my chief.

Mr. FLOOD. Do you remember the Bulgarian member, Markov, and the Czech member, Hajek?

Dr. ZIETZ. Very well.

Mr. FLOOD. Did either Markov or Hajek, at any time during your association with the commission, object to any treatment they were receiving from the Germans, or in any way protest or disagree with the findings of their colleagues on the commission?

Dr. ZIETZ. No; no. In the first place, I wish to deal with Professor Markov. I, for myself, hold Professor Markov in high esteem as a man of impeccable character. After Katyn, he repeatedly wrote friendly letters to me and never expressed any skepticism on his part.

I can fully understand he made a different statement at Nuremberg because he had occasion to see at Katyn how such things are done.

Professor Hajek also wrote me once or twice afterward. He certainly had no easy position in the protectorate. However, he never gave any indication that he would not fully go along and agree with what was signed.

Mr. FLOOD. You are aware, of course, that Markov and Hajek have both changed their original story and have recanted from their signatures and opinions of the international protocol?

Dr. ZIETZ. That, in my opinion, is merely a lack of scientific conviction due to a threat to life and limb.

Chairman MADDEN. Doctor, the committee wishes to thank you for coming here and testifying today. Your testimony has been very valuable.

Mr. von Herff.

TESTIMONY OF FRITZ VON HERFF, MICHELSTADT/ODENWALD, GERMANY (THROUGH INTERPRETER MOSTNI)

Chairman MADDEN. Mr. von Herff, do you object to being photographed?

Mr. VON HERFF. No.

Chairman MADDEN. Just give the reporter your name and address, Mr. von Herff.

Mr. VON HERFF. Fritz von Herff; Michelstadt/Odenwald; forester.

Chairman MADDEN. Mr. von Herff, I will read a statement for your consideration.

Before you testify, it is our wish to invite your attention to the fact that, under the German law, you will not be liable for slander or libel, either in criminal or civil proceedings, for anything that you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Now will you stand and be sworn?

Mr. FLOOD. Does the record indicate that the witness understood the admonition?

Mr. VON HERFF. Yes, I did.

Chairman MADDEN. Do you solemnly swear, by God the Almighty, that you will testify, according to your best knowledge, and tell the truth, the whole truth, and nothing but the truth; so help you God?

Mr. VON HERFF. I do.

Mr. FLOOD. What is your full name?

Mr. VON HERFF. Fritz von Herff.

Mr. FLOOD. What is your present occupation or business?

Mr. VON HERFF. Forester.

Mr. FLOOD. Were you ever identified with the German Armed Forces?

Mr. VON HERFF. Yes, I was.

Mr. FLOOD. I direct your attention to the year of 1943 and ask you whether or not you were serving with the German armed forces on the Russian front in the Smolensk area?

Mr. VON HERFF. Yes, I did.

Mr. FLOOD. Were you serving in your capacity as a forester for the Armed Services in that area?

Mr. VON HERFF. Yes, I was.

Mr. FLOOD. Are you aware of the Katyn Forest and the massacre of the Polish officers in that area?

Mr. VON HERFF. I am pretty well familiar with the woods surrounding Katyn because I was extensively occupied in furnishing wood to German troops billeted around the area.

Mr. FLOOD. When did you first arrive in the Smolensk area?

Mr. VON HERFF. In the end of December 1941, I came to Smolensk.

Mr. FLOOD. When did you leave?

Mr. VON HERFF. On the 1st of August 1943.

Mr. FLOOD. In all the time you were in the area, did you have occasion to visit the area of the Katyn Forest in the vicinity of the Dnieper Castle?

Mr. VON HERFF. Yes.

Mr. FLOOD. Did you have occasion, in your professional capacity as a forester, to observe carefully the nature of the terrain and the nature of the trees and growth within a thousand meters or more of the Dnieper Castle?

Mr. VON HERFF. According to my notes, I and my superior, a captain, inspected the Katyn graves on the 14th of April.

Mr. FLOOD. When was the first day that the graves were opened by the Germans in April of 1943, if you know?

Mr. VON HERFF. I don't know the exact date. It must have been eight or 14 days before.

Mr. FLOOD. During the time that you were in the Katyn Forest area, in December of 1941, until April 15, 1943, did you ever observe any extensive growths of small pine, evergreen, or birch trees?

Mr. VON HERFF. The entire region of Krasny Bor is a wooded area, the woods principally consisting of fir trees of various ages.

Mr. FLOOD. Is it possible for a forester of your experience, by observation, to be able to tell whether or not evergreen trees or birch trees have been transplanted within 3 years, if there had been any extensive transplanting in one area?

Mr. VON HERFF. That is not easy to say.

Mr. FLOOD. Is it easy to say one way or the other?

Mr. VON HERFF. No. It is impossible to say so definitely.

Mr. FLOOD. Certainly, in the length of time you were in the Katyn area, you examined the forests or the woods within a thousand meters of the Dnieper Castle; did you not?

Mr. VON HERFF. I was not around the castle much because that was the residence of the commander in chief and it was not so easy to gain access to the area.

Mr. FLOOD. Did you gain access and make any inspections or surveys for timber or lumber or fuel, or did you examine the woods and forest in the area?

Mr. VON HERFF. I did not survey any timber or lumber or wood of any kind in the area surrounding the graves. My area of operation was far away from Katyn, up to 60 kilometers from Katyn.

Mr. FLOOD. When was the matter of the Katyn graves first brought to your attention in your official capacity as a forester?

Mr. VON HERFF. On the 30th of April.

Mr. FLOOD. In what manner?

Mr. VON HERFF. I received a telephone call from the chief quartermaster telling me that I was supposed to proceed forthwith to a hospital in the eastern portion of Smolensk. There I was supposed to render an expert statement. The evening was approaching. I proceeded there, and there I found an international committee, about a dozen gentlemen. Presiding was General Surgeon Holm. General Holm presented to me several fir saplings—as has been mentioned by a previous witness—about 30 or 40 centimeters, one foot and a half in height. There might have been 2 or 3 pieces.

In the first place, I determined the age. To the best of my recollection, it was from about 5 to 7 years. Then I was asked whether the growing process had been a normal one. To this end, a crosscut of the sapling was made and I took a look at the crosscut under a microscope. There you could clearly see the year rings.

Every wooden plants adds every year one ring of wood, which is clearly discernible. Now, it could be easily traced back that one of these yearly rings, 3 years ago, was of a very small size. This year, consequently, the growth of the plant must have been stunted.

Being foresters, we know that every plant, after being transplanted, does not grow normally the first year after the transplanting has been effected because the roots of the plant have to get accustomed to the new soil in which the plant grows. Therefore, I expressed my opinion that 3 years ago—that is, 3 years prior to 1943—something must have happened to the plant.

Hence, when asked by the chairman whether a transplantation of a plant might have been done about 3 years ago, I replied in the affirmative.

The gentlemen of the committee were in full agreement but for a single party, who asked whether this stunted growth of the plant perhaps could be ascribed to inclement weather conditions. I right away admitted such a possibility.

That concluded my expert statement and I was asked no further questions.

Mr. FLOOD. Did you know where the tree came from that was shown to you by the scientist that night?

Mr. VON HERFF. No. I had not been told.

Mr. FLOOD. Did you know a Dr. Buhtz?

Mr. VON HERFF. I knew nothing of the gentleman.

Mr. FLOOD. You did not talk to Dr. Buhtz on the phone or in person at any time prior to your visit to the scientist that night?

Mr. VON HERFF. I did not speak with any one of these gentlemen, either before or after this issue.

Mr. FLOOD. What was the rank of the officer that talked to you and gave you your orders to go to Smolensk?

Mr. VON HERFF. Well, I could not say; it was most likely an orderly officer who merely transmitted an order presumably given by the chief quartermaster.

Mr. FLOOD. How many rings were on the crosscut of the tree that you examined that night in Smolensk?

Mr. VON HERFF. As I said before, I don't remember quite accurately, but I indicated before, to the best of my recollection, the saplings were from 5 to 7 years of age.

Mr. FLOOD. If a sapling had seven rings on it, how old would it be?

Mr. VON HERFF. Seven years of age.

Mr. FLOOD. Does it show a full ring for its first year of growth?

Mr. VON HERFF. That is merely intimated by a point—a dot.

Mr. FLOOD. Do you count the dot as one full year?

Mr. VON HERFF. One full year.

Mr. FLOOD. And you don't recall the exact number of rings in addition to the dot on the sapling you saw that night?

Mr. VON HERFF. No; I do not.

Mr. FLOOD. But you are positive it was not less than five?

Mr. VON HERFF. I am quite positive of that.

Mr. FLOOD. Was there any indication on the cross-cut sapling you saw of a darkening of the ring at the third ring?

Mr. VON HERFF. I do not remember any longer.

Mr. FLOOD. Did you ever see the graves at Katyn with trees the size that you are indicating you examined in Smolensk planted on the graves?

Mr. VON HERFF. Inasmuch as I visited the graves prior to having made this examination of the sapling, I didn't pay so much attention to the trees planted there. However, I recall that they were of approximately the same size as that sapling.

Mr. FLOOD. Did you visit the graves before they were opened?

Mr. VON HERFF. After they had been opened.

Mr. FLOOD. After they had been opened?

Mr. VON HERFF. Yes.

Mr. FLOOD. Did you see any trees lying around the area that you had been told had been removed from the top of the graves?

Mr. VON HERFF. No; I do not recall.

Mr. FLOOD. Had anybody discussed with you the existence of trees of the type and kind you examined at Smolensk as having been planted on the graves of the Polish officers?

Mr. VON HERFF. No; I know nothing about that.

Mr. FLOOD. Of course, at the time you went to the meeting of international scientists in Smolensk you had heard about the Katyn graves and they had been opened?

Mr. VON HERFF. Yes.

Mr. FLOOD. Weren't you curious or didn't you think in your mind what these scientists were doing there that you, as a forester, were called in to talk to them?

Mr. VON HERFF. Well, from the whole proceedings I was given to understand that I was supposed to help find out from the sapling I examined when these corpses had been buried.

Mr. FLOOD. The German side in this case takes the position, among others, in support of their conclusion that the Russians had perpetrated this massacre and, in order to conceal the graves in which the bodies were buried, took saplings 2 years of age, transplanted them on the graves, with the result that when the Germans, in April 1943, uncovered the graves, the saplings would then be 5 years of age. In your professional opinion as a forester, could the sapling or the two or three of them showed to you that night in Smolensk, especially the one you examined the cross-cut of, have been such a sapling as could be 5 years of age and could have been transplanted 3 years previously to 1943?

Mr. VON HERFF. Definitely so. It might have been such a one, definitely.

Mr. FLOOD. That's all.

Chairman MADDEN. Any other questions?

We're very thankful for your testimony here today. Thank you very much.

The committee will now recess until 10 o'clock tomorrow morning. (Whereupon, at 6:05 p. m., Wednesday, April 23, 1952, a recess was taken until 10 a. m. Thursday, April 24, 1952.)

THE KATYN FOREST MASSACRE

THURSDAY, APRIL 24, 1952

HOUSE OF REPRESENTATIVE,
THE SELECT COMMITTEE ON THE KATYN FOREST MASSACRE,
Frankfurt/Main, Germany.

The committee met at 10 a. m., pursuant to recess, in the Main Courtroom, Resident Officer's Building, 45 Bockenheimer Anlage, Hon. Ray J. Madden (chairman) presiding.

Present: Messrs. Madden, Flood, Machrowicz, Dondero, and O'Konski.

Also present: John J. Mitchell, chief counsel to the Select Committee, and Roman Pucinski, investigator and interpreter.

Present also: Arthur R. Mostni and Eckhardt von Hahn, interpreters.

(The proceedings and testimony were translated into the German language.)

Chairman MADDEN. The committee will come to order.

TESTIMONY OF WLADYSLAW KAWECKI, WUERZBURG, GERMANY (THROUGH POLISH INTERPRETER, ROMAN PUCINSKI)

Chairman MADDEN. Mr. Kaweck, do you object to being photographed?

Mr. KAWECKI. I would rather not.

Chairman MADDEN. Let me say to the photographers that this witness prefers not to be photographed. At the beginning of the hearings we announced that the committee would comply with the request of any witness who desired, during the progress of these hearings, not to be photographed, either before or after or during his testimony. That is in line with the rules of the House of Representatives.

Will you just give your name and address?

Mr. KAWECKI. Wladyslaw Kaweck, Wuerzburg, Germany.

Chairman MADDEN. Before you testify, it is our wish to invite your attention to the fact that, under German law, you will not be liable for slander or libel, either in civil or criminal proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Do you understand that?

Mr. KAWECKI. Yes, I do.

Chairman MADDEN. Raise your right hand and be sworn.

Do you swear, by God the Almighty, that you will, according to the best of your knowledge, tell the truth, the whole truth, and nothing but the truth; so help you God?

Mr. KAWECKI. I do.

Chairman MADDEN. You may proceed, Mr. Machrowicz.

Mr. MACHROWICZ. What is your name?

Mr. KAWECKI. Kaweck.

Mr. MACHROWICZ. What is your first name?

Mr. KAWECKI. Wladyslaw.

Mr. MACHROWICZ. Where do you live?

Mr. KAWECKI. In Wuerzburg.

Mr. MACHROWICZ. During the year 1939, were you in the Polish army?

Mr. KAWECKI. Yes.

Mr. MACHROWICZ. In what rank?

Mr. KAWECKI. Second lieutenant.

Mr. MACHROWICZ. Prior to the war, what was your occupation?

Mr. KAWECKI. I was a journalist.

Mr. MACHROWICZ. In April 1943, were you in Poland?

Mr. KAWECKI. Yes; that is correct.

Mr. MACHROWICZ. In what part of Poland?

Mr. KAWECKI. In Krakow.

Mr. MACHROWICZ. Sometime in April, were you called by anyone to go to Katyn?

Mr. KAWECKI. That is correct.

Mr. MACHROWICZ. Who asked you to go to Katyn?

Mr. KAWECKI. I was summoned to the office of the Press Chief of the Government General in Krakow on the 9th of April, at noon.

Mr. MACHROWICZ. Was that before, or after it was announced that the graves of Katyn were found?

Mr. KAWECKI. It was from him that I learned of the fact that the graves were discovered at Katyn.

Mr. MACHROWICZ. Witness, for your information, the Germans announced the finding of the graves on the 15th of April 1943. Do you remember that date?

Mr. KAWECKI. That may be true, because the first announcement of the discovery of the graves was made only after the return of the second Polish group to Katyn.

Mr. MACHROWICZ. Then you would say that you left about the 9th of April, is that right?

Mr. KAWECKI. I left on the 10th of April, in the morning.

Mr. MACHROWICZ. Who was with you?

Mr. KAWECKI. The day that I was notified of my departure I did not know who was going to be with me.

Mr. MACHROWICZ. Who accompanied you on the trip?

Mr. KAWECKI. We had to assemble at 7 in the morning in front of the propaganda headquarters in Krakow. From there we left for the airport near Krakow.

Mr. MACHROWICZ. Who was with you on this trip?

Mr. KAWECKI. I left with the chief of an organization that provided for the evacuees from the Poznan area, the Poles who were evacuated from Poznan, the RGO, whose name was Edmond Sayfred, a Pole; and a worker in the Zielinski factory, whose name was Jan Prochownik.

I want to make clear that this was a Polish organization that Say-fred headed.

Mr. MACHROWICZ. Were you told what the purpose of your trip was?

Mr. KAWECKI. I was told on the 9th of April when I was summoned to the press chief's office.

Mr. MACHROWICZ. What were you told?

Mr. WAWECKI. I was told that in the region of Smolensk had been found graves of Polish Army officers.

Mr. MACHROWICZ. Were you told what the purpose of your trip was?

Mr. KAWECKI. For the purpose of convincing ourselves whether or not these were Polish officers.

Mr. MACHROWICZ. After the plane left Krakow, did it make any stop before it arrived at Katyn?

Mr. KAWECKI. Yes; it did.

Mr. MACHROWICZ. Where?

Mr. KAWECKI. The airplane landed in Warsaw.

Mr. MACHROWICZ. Did you take on any additional passengers in Warsaw?

Mr. KAWECKI. Yes.

Mr. MACHROWICZ. Can you tell us the names of any of those who got on at Warsaw?

Mr. KAWECKI. Yes; I can. All told, eight people boarded the plane in Warsaw. Among them were Ferdinand Goetel, who was president of the Polish literary club, and Jan Emil Skiwski. The rest of the group consisted of officials from the local Warsaw Polish Government.

Mr. MACHROWICZ. For your information, witness, Mr. Goetel, whom you mentioned, has already testified before this committee during its proceedings in London regarding this trip.

Mr. KAWECKI. Thank you.

Mr. MACHROWICZ. Did you then go to Smolensk?

Mr. KAWECKI. In about 20 minutes. After about a 20-minute delay, the plane left for Smolensk.

Mr. MACHROWICZ. What happened after you arrived at Smolensk?

Mr. KAWECKI. We arrived at Smolensk approximately at 2 in the afternoon. There we waited for the arrival of automobiles at the airport. We waited for a half hour. About two or three cars arrived in a half hour and they took us to the hotel.

Mr. MACHROWICZ. What happened after that?

Mr. KAWECKI. We arrived at the hotel and were received there by the officials. Then we were taken to dinner in the Casino. Later on, a German lieutenant, whose name we later learned was Slovenzyk, came to us.

Mr. MACHROWICZ. Did he later take you to the scene of the graves?

Mr. KAWECKI. Not that evening, but the following day at 9:30 in the morning we left for Katyn.

Mr. MACHROWICZ. Will you tell us what you saw and noticed and did when you arrived at the scene of the Katyn graves?

Mr. KAWECKI. After our arrival at the graveyard of Katyn, we were greeted by a delegation of high-ranking German officers, and included in that group was the gentleman who was here the other day, General von Gersdorff. After a brief reception by this group of higher officers, we were immediately taken to the largest grave, where we were confronted with a horrible sight.

It did not take us long to establish clearly in our minds that these

were the Polish officers. We established this by the uniforms that they wore, the buttons, the insignia, and the characteristic Polish boots.

Mr. MACHROWICZ. Will you just tell us what part you took personally in the examination of these bodies?

Mr. KAWECKI. After viewing this large grave, we were taken to another spot, where several exhumed bodies were lying. Among these we noticed the bodies of General Smorawinski and General Bohaterowicz. Both of these men were readily recognizable because of their uniform and because of the high distinguished medals which they still had on them.

General Bohaterowicz had on a fur coat, from which we concluded that he must have been executed or the period of his death must have been during the winter months or in the early spring.

Immediately, we were given complete freedom and permission, with the help of the Russian workers, to select at will the bodies from the graves and proceed to search these bodies for records or any other means that we wanted to use to try to determine the method of their death. After examining some 40 bodies, we concluded that these men met their death through a bullet shot through the back of the head, with the bullet leaving through the forehead.

Next, we had an opportunity to mingle with the Russian workers in the area, and in reply to our questions as to when these murders were committed, they told us that the period was from March to May of 1940.

I recall particularly the name of one of these Russians that I talked to. His name was Kisielev. I spoke to him in Russian and I had an opportunity to see, from my personal conversation with him, in his own language, whether he was telling me these things willingly. I felt that if a German translator were present he might be coerced or embarrassed and might not tell me everything.

Mr. MACHROWICZ. Just a moment. Did Kisielev and whomever else you talked to tell you how they knew that these killings took place between March and May 1940?

Mr. KAWECKI. Kisielev said that he had been told by his friends in Gniezdowo how they had seen some unknown soldiers—soldiers that were not Russian or Soviet—being transferred to trucks at Gniezdowo and then being taken to the forest of Katyn, from which they were never seen to return.

Mr. MACHROWICZ. Did they give you any other information upon which they based their belief that the killings took place within that period?

Mr. KAWECKI. Independent of the conversations that I had with Kisielev, I talked to another Russian. I cannot recall his name, but I think it was Kriwozerczew. He also worked on the farm nearby the forest and said that he had seen the NKVD vans, known as the "black ravens," bringing soldiers into the Katyn woods.

Mr. MACHROWICZ. Do you want to tell us any further observations that you made while you were at Katyn during that time?

Mr. KAWECKI. At the time, I was so unnerved by my whole experience that I did not have the strength to carry on any sort of detailed investigation. However, the observations that I did make confirmed the horrible drama which we had witnessed at Katyn.

Mr. MACHROWICZ. How many days did you remain in Katyn on that trip?

Mr. KAWECKI. The following day we returned by plane to Poland.

Mr. MACHROWICZ. Did you make another trip to Katyn?

Mr. KAWECKI. Yes, I did.

Mr. MACHROWICZ. When?

Mr. KAWECKI. The middle of May 1943.

Mr. MACHROWICZ. Can you tell us how that second trip to Katyn was brought about?

Mr. KAWECKI. After my return from my first trip to Katyn, I brought with me the list of the Polish officers who up to that time had been identified.

Mr. MACHROWICZ. How many were there?

Mr. KAWECKI. The first list that I and those with me compiled included approximately 50 names.

Mr. MACHROWICZ. Before we leave the first trip, can you tell us how many bodies were exhumed at the time you were there the first time?

Mr. KAWECKI. During my first visit to Katyn, three graves were uncovered and there were approximately 70 people exhumed. Among these were the bodies of General Smorawinski and General Bohaterowicz.

Mr. MACHROWICZ. Now will you proceed to tell us why you were called the second time to Katyn?

Mr. KAWECKI. After my return, the list which I brought with me was published in the Polish newspapers, and the families of those men who were interned in Russia began making voluminous inquiries as to more names, because the Germans at that time, the German propaganda, had indicated that there were between ten and eleven thousand bodies at Katyn.

Mr. KAWECKI. Further, Dr. Adam Szebesta, who was head of the Polish Red Cross at the time, was making inquiries of me for more names. Dr. Szebesta not only inquired of me for additional names, but also sought permission from the Germans to make available to him the obtaining of additional names because there was a list of names, or several lists, that were sent through by a Polish Red Cross commission which had been working at Katyn since the latter part of April and the list was in such form that it could not be properly evaluated. The lists being sent to us by the commission in Katyn were being telephoned in and had to go through Minsk, Wilnow, Koenigsberg, Danzig, and finally Krakow.

Mr. MACHROWICZ. And, in the process, did the names frequently end up in a different form than they should be?

Mr. KAWECKI. Yes, the names were misspelled and incorrect by the time we received them.

Mr. MACHROWICZ. And, as a result, did Dr. Szebesta ask the German authorities for permission to send some one to Katyn who would get the spelling of the names?

Mr. KAWECKI. That is correct.

Mr. MACHROWICZ. Were you delegated to do that?

Mr. KAWECKI. Originally, Dr. Moliszewski was assigned to this mission, but because he had broken a leg prior to his departure, I was substituted for him.

Mr. MACHROWICZ. With whom did you go to Katyn?

Mr. KAWECKI. I was instructed to leave by train from Krakow to Wacław, Breslau, and then I proceeded from there by plane.

Mr. MACHROWICZ. When did you arrive at Smolensk and Katyn the second time?

Mr. KAWECKI. On the plane trip from Breslau to Smolensk I was accompanied by a group of Allied prisoners of war who were being taken from Berlin to Smolensk.

Mr. MACHROWICZ. The question that I asked you is what date did you arrive at Smolensk?

Mr. KAWECKI. I do not recall the exact date, but I do know that it was in the middle of May.

Mr. MACHROWICZ. Of 1943?

Mr. KAWECKI. Yes; that is correct.

Mr. MACHROWICZ. Do you remember the names of any of these Allied prisoners of war who accompanied you by plane from Breslau to Smolensk?

Mr. KAWECKI. At Breslau, I was not permitted to mingle or communicate with the Allied prisoners of war. However, by the time we concluded the trip to Bialek-Polawski the rules were not as rigidly adhered to and, at lunch, I was sitting between a British medical captain and an Australian pilot who had the rank of lieutenant.

Mr. MACHROWICZ. Were there any American officers in this group?

Mr. KAWECKI. Yes, there were among these American prisoners and I recall that one of them was in the rank of major.

Mr. MACHROWICZ. Do you remember his name?

Mr. KAWECKI. I recall it was Major Van Vliet.

Mr. MACHROWICZ. Was there another American officer in that group?

Mr. KAWECKI. As far as I recall, yes; there was another American in this group.

Mr. MACHROWICZ. Do you remember his name or rank?

Mr. KAWECKI. No, I do not.

Mr. MACHROWICZ. Would it have been Lieutenant Stewart?

Mr. KAWECKI. It is possible, but I cannot recall the exact name.

Mr. MACHROWICZ. This airport you mentioned as the place where you landed, was that the airport used for the Smolensk area?

Mr. KAWECKI. Yes, that is correct. That was one of the two air fields used by the German authorities.

Mr. MACHROWICZ. How long did you stay in the Katyn area on this trip?

Mr. KAWECKI. The period of my stay at Katyn was indeterminate. I was supposed to have remained there until I had completed the entire list. However, toward the end of May, the communications were very bad with Krakow and the weather became very bad, so, toward the end of May, I had returned to Krakow via Warsaw.

Mr. MACHROWICZ. And then, those 2 or 3 weeks you spent at Katyn at that time, were confined to trying to get a correct list of the names of the officers; am I right?

Mr. KAWECKI. That is correct.

Mr. MACHROWICZ. Now, you mentioned the name of Dr. Adam Szabesta, the head of the Polish Red Cross. Was he with you on either the first or the second trip to Katyn? I am not interested in knowing the names of the people who were with Dr. Szabesta. All I want to

know is whether Dr. Szebesta was with you on any of these trips to Katyn?

Mr. KAWECKI. No.

Mr. MACHROWICZ. Was he in Katyn a few days after your first trip, if you know?

Mr. KAWECKI. Yes; that is correct.

Mr. MACHROWICZ. And after you returned from the second trip to Katyn, did you work in close contact with Dr. Adam Szebesta in publishing the names of these Polish officers found in Katyn?

Mr. KAWECKI. Dr. Szebesta was very much interested, as president of the Polish Red Cross, in this list of names. As a result, I had frequent opportunities to be in his office in Krakow.

Mr. MACHROWICZ. As a result of your two trips to Katyn, did you establish in your own mind a belief as to who was the guilty party for the murders at Katyn?

Mr. KAWECKI. Yes; I did.

Mr. MACHROWICZ. What was your opinion?

Mr. KAWECKI. During my 2 weeks' stay at Katyn I had an opportunity, without any difficulty, to work in the entire terrain of the graves. I also had an opportunity to examine the letters and documents. I also found on the bodies newspaper clippings, letters which had been dated but not mailed, and various other documents.

Mr. MACHROWICZ. As a result of your observations, what was your opinion at that time as to who was guilty of the Katyn massacre?

Mr. KAWECKI. On the basis of my 2 weeks' stay at Katyn I came to the conclusion, and a conclusion that cannot be doubted, that the murderers of these soldiers in Katyn were the Bolsheviks.

Mr. MACHROWICZ. By Bolsheviks you mean the Russians?

Mr. KAWECKI. That is correct.

Mr. MACHROWICZ. Now, in the course of your conversations with Dr. Adam Szebesta, did you communicate to him what your beliefs were in this respect?

Mr. KAWECKI. Yes; we frequently discussed the subject. I told him my observations and Dr. Szebesta personally was of the opinion likewise that the massacre at Katyn was perpetrated by the Soviets.

Mr. MACHROWICZ. Were these conversations between you and Dr. Szebesta done under such conditions and such an atmosphere that it indicated a free express on his part?

Mr. KAWECKI. In 1942, both Dr. Szebesta and I had been arrested by the Gestapo and jailed in Krakow for several months. However, at the time of these particular discussions relative to Katyn, the situation was such that we did not feel that we were under any particular surveillance or that we could not express our free opinions.

Mr. MACHROWICZ. So that you are convinced, are you, that in your number of conversations with Dr. Szebesta he told you what his honest opinion was; is that right?

Mr. KAWECKI. Dr. Szebesta was no stranger to me. I knew him during my army service and before the war, and there was no need on the basis of our personal acquaintance or friendship for either one of us to lie to each other.

Mr. MACHROWICZ. I have had handed to me by one of the German correspondents who is present at this hearing a press release issued by the Polish Military Mission in Eastern Germany, dated March 28, 1952, in which Dr. Szebesta is quoted as now having changed his opin-

ion on the question of guilt for the Katyn massacre. Are you familiar with that statement?

Mr. KAWECKI. A few days ago I had occasion to see a newspaper published by the Polish Red Cross, a daily in Frankfurt, in which there appears the entire text of Dr. Szebesta's renunciation of his original views.

Mr. MACIROWICZ. Are the views and expressions which are contained in that statement by Dr. Szebesta in absolute and direct contrast to the expressions which he freely expressed to you when you were in Poland?

Mr. KAWECKI. Unfortunately, that is correct.

Mr. MACIROWICZ. Now, after 1943, did you leave Poland?

Mr. KAWECKI. Yes; I did.

Mr. MACIROWICZ. Were you later in Rome, Italy?

Mr. KAWECKI. Yes.

Mr. MACIROWICZ. In what year?

Mr. KAWECKI. 1947 and 1948.

Mr. MACIROWICZ. While you were in Rome during the years 1947 and 1948, did anyone approach you with the direct purpose of trying to get you to change the statements made by you previously in Poland as to the guilt for the murder of the Polish officers in Katyn?

Mr. KAWECKI. Yes. In May 1947, I was approached in the village of Recceone. I was approached by an officer in the uniform of the Second Polish Corps, but, after he began asking me certain questions, it became apparent to me that I was talking to a soldier of the Warsaw Government in Poland. His name was Alex Dobrowolski, who at that time, said he was the adjutant to the Polish Military Attaché in Rome whose name was Rosen Zawadzki.

Mr. MACIROWICZ. What did he tell you?

Mr. KAWECKI. Dobrowolski wanted to arouse my Polish sympathies. He tried to convince me that my conclusions and the statement made in 1943 were under duress by the Germans. He proposed to me at that time that I sign a separate declaration renouncing those views, and he showed me two copies of a statement already prepared which he had in his possession.

Mr. MACIROWICZ. What happened then?

Mr. KAWECKI. After reading this declaration which contained therein a complete renunciation of all the views I expressed originally on this Katyn matter, he asked and requested me to sign it. I read it and then refused to sign it.

Mr. MACIROWICZ. Did he make any offers or propositions to induce you to sign the instrument?

Mr. KAWECKI. Yes. While I was reading the declaration, Dobrowolski took out of his pocket a packet of American dollars and laid them on the table.

Mr. MACIROWICZ. Did he tell you how much they were or did you know how much they were?

Mr. KAWECKI. No, he did not tell me and I didn't ask, but from my observation, I felt that there were about one hundred twenty dollar bank notes.

Mr. MACIROWICZ. Did you accept it?

Mr. KAWECKI. No.

Mr. MACHROWICZ. Have you been offered or promised any consideration of any kind, monetary or otherwise, in order to testify before this committee today?

Mr. KAWECKI. No.

Mr. MACHROWICZ. Is the statement made by you here today, free and voluntary?

Mr. KAWECKI. That is correct.

Mr. MACHROWICZ. That is all.

Chairman MADDEN. Thank you very much for testifying here today.

**TESTIMONY OF ERWIN ALLGAYER (THROUGH THE INTERPRETER,
ARTHUR MOSTNI)**

Chairman MADDEN. Mr. Allgayer, do you mind being photographed?

Mr. ALLGAYER. I would prefer not to be.

Chairman MADDEN. Give your full name to the reporter.

Mr. ALLGAYER. Erwin Allgayer, Bad Kreutznach.

Chairman MADDEN. Before you testify, it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Do you understand that?

Mr. ALLGAYER. Yes.

Chairman MADDEN. You will be sworn.

Do you solemnly swear by God the Almighty that, according to your best knowledge, you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ALLGAYER. Yes, I do.

Mr. FLOOD. What is your name?

Mr. ALLGAYER. Erwin Allgayer.

Mr. FLOOD. Were you ever identified with the German armed forces at any time?

Mr. ALLGAYER. Yes, I was.

Mr. FLOOD. Did you ever serve with the German forces on the Russian front in the Smolensk area?

Mr. ALLGAYER. Yes, I did.

Mr. FLOOD. What was the name and description of your unit and when did you go to Smolensk?

Mr. ALLGAYER. It was the Fifth Company of the Eighth Railroad Engineer Regiment.

Mr. FLOOD. After you advanced from Bialistok in the direction of Smolensk, what were your duties that took you into Smolensk?

Mr. ALLGAYER. I, being a private, first class, belonged to a company troop of the company.

Mr. FLOOD. Were you a billeting officer?

Mr. ALLGAYER. No, I was not. I was a private, first class. I was not an officer.

Mr. FLOOD. I know, but were you engaged in searching for billets in the Smolensk area for your outfit?

Mr. ALLGAYER. Yes, I did that.

Mr. FLOOD. When did you get into Smolensk first?

Mr. ALLGAYER. It was definitely in the beginning of August 1941. I am convinced it was either the 1st or 2d of August.

Mr. FLOOD. How soon after the combat or first line troops moved out did you get into Smolensk? How many days, about?

Mr. ALLGAYER. Judging from what I have been able to learn, at that time, it must have happened several days later.

Mr. FLOOD. Was the front moving very fast forward about that time?

Mr. ALLGAYER. Yes, the front line was moving forward at a fast pace.

Mr. FLOOD. Tell us in your own words about your arrival in Smolensk, your search around the Smolensk area for billets, and when you first got to the forest known as Katyn?

Mr. ALLGAYER. At that time, I and several buddies of mine traveled down to Smolensk, traveling along a highway leading through the Katyn woods. We traveled along that highway down to Smolensk. I still clearly remember that there were constantly serious traffic jams by reason of the fast movement forward of the front line and the ensuing movement of troops. I found Smolensk was pretty heavily destroyed. Only a very few buildings were still intact. They were, however, not fit for billeting purposes. Subsequently, we traveled back from Smolensk, back to the woods. I still have the impression that it was at a distance of about 10 to 15 kilometers from Smolensk. That's only an approximation. That is a figure which I still remember. Then I discovered, on the left-hand side of the road, a fence which was either painted white or light blue, as it is customary in Russia. Well, there was an entrance in the fence and we, being servicemen, surmised that where there is a fence there will also be some building nearby behind it. Subsequently, we went through this gate and we traveled along a path. I remember it was a path or dirt road. It was not a highway—no proper road. This path was winding through the woods for quite some distance until, eventually, it ended by a building.

This building was entirely empty and it struck us as peculiar. It was of a type that was not common in Russia. It was partly constructed of timber and partly of bricks. One portion of the building had two stories. If I was facing the building, the left-hand portion had two stories. The right-hand portion contained garages, and, if I correctly remember it, the foundations of the garage were walled in. What particularly attracted my attention was a piano in the house because that's an object very infrequently found in Russia.

Subsequently, we put up our billets there. However, it occurred to us that the space would not be sufficient to billet an entire company, so, subsequently, we used the garages to have sufficient billeting purposes. At the time of our arrival, it was in summer and it was very hot. Therefore, we soldiers found it very fortunate that we had been billeted on the banks of the River Dnieper. We could very properly use these facilities for bathing purposes.

Mr. FLOOD. How long did your outfit stay there?

Mr. ALLGAYER. To the best of my recollection, about 3 weeks.

Mr. FLOOD. Do you remember about the date you moved out of there?

Mr. ALLGAYER. No, I could not accurately indicate that.

Mr. FLOOD. Do you know what part of the month?

Mr. ALLGAYER. I take it it was some time toward the end of the month.

Mr. FLOOD. Of what month?

Mr. ALLGAYER. August.

Mr. FLOOD. Was there any evidence of any German troops having been in residence in this castle or this building for any length of time when you got there—Germans?

Mr. ALLGAYER. Normally, if you move into billets which had previously been occupied by troops, you are apt to discover remains left behind, such as empty cigarette packages or signs or posters containing instructions. We didn't find any such indications in that building. However, I am not in a position to say there had been no German troops there a few days prior to our arrival in this building.

Mr. FLOOD. This outfit moved into this building right on the heels of the advancing German troops?

Mr. ALLGAYER. Yes.

Mr. FLOOD. All the time your outfit was there, did you see any Polish prisoners of any kind in the area?

Mr. ALLGAYER. No, I did not.

Mr. FLOOD. Did you see any Polish officers or Polish prisoners of any kind working on the highway?

Mr. ALLGAYER. Are you referring to the vicinity of Katyn?

Mr. FLOOD. In the vicinity of your headquarters around the wood?

Mr. ALLGAYER. No, I did not.

Mr. FLOOD. Did you have any conversations with any Russians who lived in the area—men or women?

Mr. ALLGAYER. Yes, I did. I have a vague and faint recollection only of a woman calling upon us on one occasion asking whether she could get authority to exhume her husband.

Mr. FLOOD. Did you ever hear any conversations that took place between any of your comrades or the Russians or did you have any conversations with Russians in which they talked about Poles being shot in the area?

Mr. ALLGAYER. I do not recall anyone having mentioned that those men had been Polish. However, I do recall a Russian, whose quarters, sort of a log cabin, was situated close near the highway, having told us servicemen upon one occasion that some people had been shot there.

Mr. FLOOD. Did he say when or about when?

Mr. ALLGAYER. It is possible he said so. However, I do not remember it.

Mr. FLOOD. Did you know anything about the graves at Katyn Forest or did you see any graves at Katyn Forest during the time you were there?

Mr. ALLGAYER. No; I neither saw the graves nor did I know anything about the graves at that time.

Mr. FLOOD. If there had been any shooting by Germans in the area during the time you were there, wouldn't you have known about it since you were right nearby?

Mr. ALLGAYER. Yes, we would have had to know it.

Mr. FLOOD. What were the sanitary conditions around your headquarters, so far as general health and sanitary conditions were concerned? Any trouble?

Mr. ALLGAYER. Yes. We had a lot of trouble, such trouble as we had nowhere and at no time in Russia.

Mr. FLOOD. What kind of trouble?

Mr. ALLGAYER. The majority of the company was taken ill with dysentery.

Mr. FLOOD. Anything else?

Mr. ALLGAYER. No.

Mr. FLOOD. Did you have any trouble with insects?

Mr. ALLGAYER. Oh, yes. We had an incredible number of insects which I believe was predicated upon the hot season of the year.

Mr. FLOOD. What did the people around there, that is, your comrades, think caused this dysentery to such a large extent in your unit?

Mr. ALLGAYER. Well, it was an enigma to us. We were questioning what might be the reason. First, we believed it might be the water. Subsequently, we believed our meat rations or the bread might have been spoiled. However, all our guesswork got us nowhere and even by the medical investigation of our doctor we got no results.

Mr. FLOOD. Did you have any trouble with flies?

Mr. ALLGAYER. Yes, we had an awful lot of trouble from flies, and I believe that was the reason why the company was moved out of this region so fast.

Mr. FLOOD. But nobody said anything to you about graves or thousands of men being murdered in the Katyn Forest right near your headquarters?

Mr. ALLGAYER. No.

Mr. FLOOD. Did you hear of any orders given to your headquarters to shoot any prisoners in the area?

Mr. ALLGAYER. This would have been something incredible at that time.

Mr. FLOOD. Did your unit take part in the execution of several thousand Polish officers in the Katyn woods?

Mr. ALLGAYER. Our only task was to maintain and repair the railroad line running through Smolensk and we had no other tasks whatever.

Mr. FLOOD. Did you take part in any executions or did your unit?

Mr. ALLGAYER. No.

Mr. FLOOD. Could any such executions have taken place within a thousand meters of your headquarters without your knowing about it, or hearing about it?

Mr. ALLGAYER. That is utterly impossible.

Mr. FLOOD. Did you make any observations with reference to any open spaces in the forests or the woods around your headquarters? Did you notice any?

Mr. ALLGAYER. Yes; I had a vague recollection of one such clearing. It happened because I and one of my buddies were walking through the woods and we came to such a clearing, and, actually, we couldn't see any reason why there should be a clearing right in the middle of a forest.

Mr. FLOOD. Was that a subject of conversation among the troops in your outfit?

Mr. ALLGAYER. Well, we soldiers just briefly discussed the mere fact. However, we did not put any importance on this fact.

Mr. FLOOD. What were the general regulations, as far as you knew or saw, as far as the Wehrmacht was concerned, in its treatment of Russian prisoners in the area of Smolensk-Katyn when you were there?

Mr. ALLGAYER. At that time no Russian POW's had yet been assigned as laborers to our maintenance unit, and therefore I know nothing about the treatment of Russian POW's.

Mr. FLOOD. That is all.

Chairman MADDEN. We wish to thank you for coming here to testify today.

Mr. FLOOD. Karl Herrmann.

**TESTIMONY OF KARL HERRMANN, KARLSRUHE/BADEN, GERMANY
(THROUGH THE INTERPRETER, ARTURS R. MOSTNI)**

Chairman MADDEN. Mr. Herrmann, I might ask you, do you have any objections to being photographed?

Mr. HERRMANN. I would rather not.

Chairman MADDEN. Very well.

I will read a statement to you, Mr. Herrmann.

Before you testify, it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony; so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as the result of your testimony.

Did you understand that?

Mr. HERRMANN. Yes; I did.

Chairman MADDEN. Raise your right hand and be sworn.

Do you swear by God the Almighty that, according to your best knowledge, you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HERRMANN. Yes; I swear by God.

Chairman MADDEN. Please give your name and address.

Mr. HERRMANN. Karl Herrmann, 35-A Louisenstrasse, Karlsruhe/Baden.

Mr. FLOOD. What is your name?

Mr. HERRMANN. Karl Herrmann.

Mr. FLOOD. Were you ever identified with the German armed forces?

Mr. HERRMANN. Yes; I was a member of the security police.

Mr. FLOOD. Where were you stationed in 1943 and 1945?

Mr. HERRMANN. In 1943 I was at Lemberg and Krakow.

Mr. FLOOD. As a member of the security forces, what were your duties?

Mr. HERRMANN. Toward the end I was serving with the administration of the security forces in Krakow in my capacity as administrator of the material depot.

Mr. FLOOD. What year was that?

Mr. HERRMANN. In 1944 and 1945, until the end and the escape.

Mr. FLOOD. Had you ever heard of the Katyn massacres in any way by that time?

Mr. HERRMANN. Yes; I had heard about it for the simple reason that we, in our institute, had documents in our safekeeping.

Mr. FLOOD. What institute?

Mr. HERRMANN. The Institute for Forensic Medicine in Krakow.

Mr. FLOOD. Who was the chief of that institute?

Mr. HERRMANN. Dr. Beck.

Mr. FLOOD. What connection, if any, did you yourself have, in your capacity as a member of the security forces, with the Polish documents?

Mr. HERRMANN. I had no proximate connection; all this ensued only later on, in 1945.

Mr. FLOOD. Tell us what happened in 1945, as far as you recall, with reference to the transportation of these documents taken from your institute, that you described, in any way, from Krakow.

Mr. HERRMANN. Well, I will have to elaborate on that a little, to some extent. As I indicated before these documents had been in safekeeping with the institute.

Mr. FLOOD. Go ahead.

Mr. HERRMANN. After, however, we found out the guerrillas attacked the storage place—and I cannot say whether these guerrillas were Bolshevik guerrillas or belonged to the Polish underground—it was determined to take these documents to Breslau. On the 18th of January 1945, we were forced to flee from Krakow, and we were traveling via Breslau. In Breslau we were taken to emergency billets, where we were waiting for orders indicating to us where we were supposed to move subsequently. There I received an order to go and pick up the documents at the institute of anatomy and to haul the documents on a postal truck to the loading platform at a railroad depot. There was a train standing at the depot ready to take the members of the government somewhere else. It was the last train scheduled to leave the town, and we were assigned one coach of this train.

We traveled on that train to Dresden, and that is where the guard assignment of the boxes began.

Incidentally, I wish to emphasize that I do not know whether there were all of the documents. There were 16 boxes of documents.

Mr. FLOOD. How big was each box?

Mr. HERRMANN. They were 1 meter in length and from about 30 to 35 centimeters in height.

Mr. FLOOD. What were they made of?

Mr. HERRMANN. Wood.

Mr. FLOOD. How were they labeled, if you remember?

Mr. HERRMANN. They weren't—there weren't any labels, practically; there was only a sign on it, "Reichssicherheitshauptamt."

Mr. FLOOD. What does that mean? Translate it.

Mr. HERRMANN. Head Office of the Reich Security Office.

Mr. FLOOD. These boxes were all placed in that coach on that train, were they?

Mr. HERRMANN. Yes.

Mr. FLOOD. You saw that yourself?

Mr. HERRMANN. Yes. Well, we lent a hand in doing so.

Mr. FLOOD. Did you ride on the train with the boxes?

Mr. HERRMANN. Yes, in the very same coach.

Mr. FLOOD. To where?

Mr. HERRMANN. To Dresden.

Mr. FLOOD. What happened when you got to Dresden?

Mr. HERRMANN. The boxes were unloaded at a loading platform at Dresden-Neustadt.

Mr. FLOOD. What happened then, when you took them off at Dresden?

Mr. HERRMANN. Gestapo headquarters were notified to send us a truck. Originally, as far as I heard, the boxes were supposed to proceed straight to Berlin. In the meantime, however, the Russians had made a forced advance, so it was no longer feasible to take the boxes, as originally intended, to Berlin. The boxes were laden on a truck and taken to Radebeul.

Mr. FLOOD. When and where was the last time you saw these boxes?

Mr. HERRMANN. Well, I cannot indicate an accurate date. It might have been, however, toward the end of February.

Mr. FLOOD. What year?

Mr. HERRMANN. 1945.

Mr. FLOOD. Where was the last place you saw them?

Mr. HERRMANN. In Radebeul.

Mr. FLOOD. What town?

Mr. HERRMANN. That is near Dresden.

Mr. FLOOD. That is all.

Mr. HERRMANN. It is between Dresden and Meissen.

Chairman MADDEN. We wish to thank you for coming here and testifying today.

Dr. Beck. Dr. Werner Beck.

**TESTIMONY OF DR. WERNER BECK, HAMBURG, GERMANY
(THROUGH THE INTERPRETER, ARTHUR R. MOSTNI)**

Chairman MADDEN. Doctor, do you have any objections to being photographed?

Dr. BECK. No; I do not.

Chairman MADDEN. Very well, no objections.

Before you testify, it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Did you understand that?

Dr. BECK. Yes; I did.

Chairman MADDEN. Now, Doctor, stand and be sworn.

Do you swear by God the Almighty that you will, according to the best of your knowledge, tell the truth, the whole truth, and nothing but the truth, so help you God?

Dr. BECK. I swear, so help me God.

Mr. FLOOD. What is your name?

Dr. BECK. Beck, Werner.

Mr. FLOOD. Were you ever, at any time, identified with the former German Government?

Dr. BECK. Yes; I was serving with the Ministry of the Interior.

Mr. FLOOD. Did you ever, in your official capacity, have occasion to serve in Poland in any way?

Dr. BECK. Yes; I did.

Mr. FLOOD. Will you give us the title of your position in Poland and a short description of your duties there?

Dr. BECK. I was director of the Institute of Forensic Medicine and of Scientific Criminology.

Mr. FLOOD. Will you give us the German name of that institute, and your title?

Dr. BECK. Director of the State Institute for Forensic Medicine in the General Government.

Mr. FLOOD. And where was that located?

Dr. BECK. At Krakow.

Mr. FLOOD. In 1943, of course, you heard of the Katyn massacre?

Dr. BECK. Yes; I did.

Mr. FLOOD. When in 1943 had you heard of the Katyn massacre?

Dr. BECK. In April of 1943.

Mr. FLOOD. Where were you at that time?

Dr. BECK. In Krakow.

Mr. FLOOD. Doing what?

Dr. BECK. In my capacity as director of the Institute of Forensic Medicine.

Mr. FLOOD. By that time you had heard of the report of the International Commission of Scientists and their protocol of April 30, 1943, with reference to their findings at Katyn?

Dr. BECK. Yes; I had, for the simple reason that the leader of the German Commission, Professor Buhtz, had been my chief at Breslau University.

Mr. FLOOD. That is the Dr. Buhtz who was cooperating with the International Commission of Scientists at that time; is that correct?

Dr. BECK. Yes.

Mr. FLOOD. Do you know whether or not the Polish Red Cross was in any way connected with the exhumations at Katyn?

Dr. BECK. Yes; I do.

Mr. FLOOD. Did any officials of the Polish Red Cross get in touch with you after the protocol of the international scientists had been signed?

Dr. BECK. Yes.

Mr. FLOOD. Who, when, where, and why?

Dr. BECK. To the best of my recollection it was the president of the Polish Red Cross, Dr. Czinski.

Mr. FLOOD. When was this?

Dr. BECK. Sometime in the first days of May of 1943.

Mr. FLOOD. Where did it take place, and why did they get in touch with you?

Dr. BECK. The office of the president of the Polish Red Cross was located at Warsaw. The president came to Krakow and requested me to place all these auxiliary personnel at his disposal in order to perfect the exhumation.

I wish to indicate that after the German Commission and the International Commission had terminated their activities, the entire exhumations were turned over to the Polish Red Cross.

Mr. FLOOD. Did you cooperate with and grant the request of the president of the Polish Red Cross?

Dr. BECK. Yes, I did, in every way.

Mr. FLOOD. Did you name any of your associates from your institute to assist?

Dr. BECK. Yes, I did.

Mr. FLOOD. Will you name them?

Dr. BECK. Those were the Polish doctors: Dr. Pragłowski; then Dr. Wodzinski, both from Krakow; Lecturer Dr. Felz, as well as Dr. Manczarski, both from the subsidiary of my institute at Warsaw. In addition, there were a certain number of assistants for the dissections.

Mr. FLOOD. Did you instruct all of these people to work under the supervision of the Polish Red Cross?

Dr. BECK. Yes, I did.

Mr. FLOOD. Did you ever have any complaints from the Polish Red Cross that these people refused to cooperate, or would not work with them?

Dr. BECK. No, I did not.

Mr. FLOOD. After the exhumations were completed, in the summer of 1943, what happened?

Dr. BECK. All of the material discovered on the dead bodies, such as notebooks, passports, personal papers, personal property such as rings, bracelets, watches, wallets containing banknotes of various currencies and denominations, such as Polish, Russian, and American currencies—all of that collected material was taken to my institute at Krakow.

Mr. FLOOD. What was your procedure with reference to these documents and these personal belongings of the dead Polish officers? How did you take care of them?

Dr. BECK. First I wish to state that all of these objects were sent to Krakow by the Polish Red Cross in 14 boxes. The boxes were locked and I was handed the keys. Subsequently, and upon the request of the president of the Polish Red Cross at Warsaw, Dr. Czinski, I turned all of the objects over to the chemical department of my institute. In charge of the chemical department was Lecturer Dr. Robel.

Mr. FLOOD. Why were they turned over to the chemical section?

Dr. BECK. We had been requested to take those documents, which had been spoiled by a formation of decomposition wax, to a chemical laboratory and to make them again discernible and readable.

Mr. FLOOD. By "decomposition wax" you mean the result of the decomposition of the bodies found in the graves?

Dr. BECK. Yes; that is correct.

Mr. FLOOD. Do you have the names of the persons at your chemical division of the institute under Dr. Robel who were concerned with this matter?

Dr. BECK. Yes, I do.

Mr. FLOOD. Will you place those in the record, please?

Dr. BECK. Yes.

Mr. FLOOD. Spelling them, please, for the reporter.

Dr. BECK. Dr. Senkowska, a woman; Magistra Cholewinski; Dr. Szwed; lecturer Dr. Ackermannowna; and Dr. Paszkowska.

Mr. FLOOD. You turned over all of the documents that you had, the boxes and the keys that were in your possession, to the chemical institute, is that right?

Dr. BECK. Yes, and I handed the keys to the man in charge of my chemical section, a Polish doctor, Dr. Robel.

Mr. FLOOD. All right. What transpired?

Dr. BECK. During the course of this extensive work, extending over a series of months, there was a search for identification marks by which those documents might have been identified. For instance, at first we had to clean all of the objects, and subsequently we photographed them. Subsequently we applied chemical treatment to all of the documents, such as notebooks, passports, all written matter, and particularly as to letters, so as to make the faded writing, either pencil or ink writing, again legible. These jobs were frequently very tedious and extensive, and were not successful in all events.

In those instances, however, when we succeeded in making the writing legible again, we made photostatic copies of the documents, and subsequently we notified the members of the families of the killed Polish officers, as far as I had been able to ascertain them from the letters and the senders indicated on the letters.

Mr. FLOOD. What method did you use for keeping the items, documents, and personal belongings, of each separate body separate from the others?

Dr. BECK. The appropriate measures had already been taken at the place of the exhumations. The bodies were taken out of the graves one at a time, in sequence. Each body was individually searched for personal property and belongings, and after discovery the belongings in each instance were placed in a separate pouch, and subsequently, when the examinations were made, each pouch was produced individually and the contents of each pouch were treated and examined individually.

Mr. DONDERO. By "pouch" do you mean that they were placed in a large envelope?

Dr. BECK. Yes; I mean an envelope.

Mr. FLOOD. Did you keep in touch with these proceedings all the time that these matters were going through processing in your institute?

Dr. BECK. In the interests of the Polish Red Cross I daily supervised that work.

Mr. FLOOD. The term "doctor" is very common around here. What kind of a doctor are you?

Dr. BECK. A doctor of medicine.

Mr. FLOOD. Did you ever have occasion in your official capacity, in view of the fact that you were a doctor of medicine, to issue any death certificates in connection with this matter?

Dr. BECK. Yes; I did.

Mr. FLOOD. Now, Doctor, I direct your attention to the change of the Eastern Front, insofar as the military campaigns were concerned, in June and July of 1944, and ask you in what way the change in the military situation had anything to do with these documents and your work?

Dr. BECK. In the year 1944 I received an order by the commander of the security police to destroy the documents.

Mr. FLOOD. The commander of the security police, where?

Dr. BECK. At Krakow. The commander of security police for the entire general government.

Mr. FLOOD. That is the German occupation government?

Dr. BECK. Yes.

Mr. FLOOD. All right. What were the instructions?

Dr. BECK. It was a written instruction saying that all of the kept documents, including documents and personal property, originating from Katyn should be destroyed altogether in one lump, lest they fall into the hands of the Russians.

Mr. FLOOD. What was your reaction and that of your associates, and what did you do about it?

Dr. BECK. I refused to comply with those orders, on the following grounds:

It was my position that these documents, and particularly as to the written instruments, should be kept for the benefit of the Polish Nation, and particularly so for reasons in connection with any possible civil actions or legal actions.

At that time I was approached by Count Ronicker, chief of the Polish welfare organization, which was a sort of liaison organization between the Polish Nation and the German occupation government, as well as by the director of the Academy of Fine Arts, Dr. Pronaskou, with a request to do all I could and see to it that these documents would not be destroyed.

To begin with, we negotiated with the man in charge of the chemical department, Dr. Robel, and we made up our minds to distribute those documents amongst the reliable Poles and subsequently report to the security police that the destruction of the documents had been concluded. This plan, however, could not be effected because such a stench emanated from these documents that they could not be kept in private homes.

Eventually, after plenty of negotiations with the security police, and German Government agencies in the general government, I succeeded in receiving a permit to transfer these documents further west, to wit, to Breslau. In Breslau those boxes were placed in the Anatomical Institute, in view of the stench emanating also from these boxes.

Mr. FLOOD. How many boxes, and how were they marked?

Dr. BECK. There were 14 boxes, and there were larger inscriptions in black letters on them, "Institute Krakow Library."

Mr. FLOOD. Of what were the boxes made?

Dr. BECK. Out of stout lumber, with lids. There were no padlocks, but just normal locks were fitted in the boxes.

Mr. FLOOD. What was the size of the boxes?

Dr. BECK. I would estimate the size of the boxes as 1 meter and 50 in length, 70 centimeters in height, and about 60 centimeters in width.

Mr. FLOOD. What was done with the boxes at the Anatomical Institute at the University at Breslau?

Dr. BECK. The boxes were kept in a large, separate room placed at our disposal by the then director of the Breslau University.

Mr. FLOOD. And was any work done on them there?

Dr. BECK. Yes; the identification was continued. It was done by myself and Dr. Robel, the man in charge of my chemical department, going to Breslau time and again. We always received the finished, complete work, and we took out of the boxes new envelopes on which subsequent work was supposed to be done.

Mr. FLOOD. Now, in January of 1945, when the Germans evacuated Krakow, what did you do?

Dr. BECK. I was one of the last to leave Krakow, together with the officers of my administration. To begin with, we traveled to Breslau, and, once there, the first thing I took care of were the documents, these original documents, from Katyn. By reason of the further movement of the front line I had to make up my mind to transfer the boxes from Breslau.

We brought the boxes to Dresden. While we were standing guard over them in Dresden I contacted the police agencies in order to obtain proper and fitting storage room. However, I did not get any cooperation from the police agency, with one exception, that I was given one truck in order to haul the documents away. I then brought these original Katyn documents to a suburb of Dresden, Radebeul.

Mr. FLOOD. Where did you place them there?

Dr. BECK. At first they were placed in a private household, and subsequently, because the stench was too penetrant, they were placed in a storage room of the railroad forwarding depot, or the railroad forwarding department.

Mr. FLOOD. All right. Suppose you tell us what disposition you tried to make of these documents, where you wanted to take them, and why you couldn't get them there.

Dr. BECK. I intended to turn this collection of documents over to some agency of the International Red Cross.

Mr. FLOOD. Where?

Dr. BECK. According to my information, there was a single agency of the International Red Cross in the vicinity, and that was in Prague. Prague, at that time, was a hospital city, and that is why there was an agency of the International Red Cross. No German agency placed a vehicle at my disposal in order to take the documents to Prague. Therefore, I at first attempted to travel to Prague myself in order to have these documents subsequently picked up by the International Red Cross. This happened in the first days of May 1945. By reason of the vicissitudes of war I was not in a position to contact the agencies of the International Red Cross.

I then proceeded from Prague to Pilsen, after one specific road had been opened to traffic. I traveled there with the German Army. Pilsen had already been occupied by the United States Armed Forces. I then reported to some commanding officer, whose name I no longer know, and subsequently, after having told him my story, he gave me a pass to travel to Dresden.

While on my way to Dresden I learned that Dresden, in the meantime, had been occupied by the Russians, so I personally had no chance whatever to get into Dresden.

I then proceeded to the United States zone of occupation in Bavaria.

Mr. FLOOD. When did you enter the American zone?

Dr. BECK. In June of 1945.

Mr. FLOOD. What disposition, if any, did you hear subsequently was made of the boxes that were at the railway station in Dresden?

Dr. BECK. The boxes had been burned immediately prior to the Russians moving in.

Mr. FLOOD. By whom?

Dr. BECK. By the railroad forwarding agent.

Mr. FLOOD. Who told you that?

Dr. BECK. I myself had given this order. At that time we had quite a clear picture of the development of the war. We still anticipated and hoped that the Americans would occupy Dresden. However, in order to cover all possibilities, I had given an order that should the Russians come and occupy Dresden, the boxes should be burned.

Mr. FLOOD. Did you ever receive any information from anybody in Dresden after the Russian occupation that your orders had been carried out?

Dr. BECK. Yes, I did.

Mr. FLOOD. Now, the committee has been advised of the name of the person who gave you that order, and of the repute and standing of that informant. We can understand why you may not want to tell us, but, if you wish to, we would be glad to have the name of the person for the record, although the committee is aware of it anyhow. That is up to you.

Dr. BECK. For security reasons, and in the best interests of persons residing in the Russian zone who are connected with this business, I take it that it would be advisable not to mention or to divulge the name here in an open session.

Mr. FLOOD. This same informant was in touch with you or gave you information in connection with efforts made by the Russian secret service in connection with these documents at Katyn, and later, when they thought they were in Dresden?

Dr. BECK. Yes. The Russian secret police, by ways and means unknown to me, had learned of the storage place of these documents, or of these boxes, and had made several searches of the house of my parents, who were residing near Dresden. The Russians also traced the exact route of my flight up to the border of the Russian zone. The Russians searched the homes of all persons who sheltered me at that time, particularly so the houses of friends of mine. They lost track of me only at the zonal border.

Mr. FLOOD. Was anything done to your family?

Dr. BECK. My mother had been incarcerated at Dresden for more than half a year because the Russians wanted to learn my address.

Mr. FLOOD. How old was she then?

Dr. BECK. Sixty-two years of age.

Mr. FLOOD. How long was she in jail, if you know?

Dr. BECK. A bit more than 6 months.

Mr. FLOOD. Whatever happened to the railroad agent that burned these things at the station, if you have heard?

Dr. BECK. Yes; he has been deported, and the members of his family, even today, still don't know where he is.

Mr. FLOOD. Deported where and by whom?

Dr. BECK. By Russian police in those gray uniforms, with green bands around the caps: Russian secret police.

Mr. FLOOD. Why didn't you report these matters to the Nuremberg trials?

Dr. BECK. I did not report it because I had to figure I would be automatically arrested by virtue of my official position, the major

position I had held with the occupation government in Poland, and I had to figure on being extradited to the Russians right away. At that time surrender or extradition took place, without proper court proceedings, by the simple request of one of these commissions, which went about scouring the camps.

Mr. FLOOD. Doctor, it has been testified before this commission by various witnesses upon various occasions that certain of these bodies of the Polish officers found in the graves at Katyn had their hands tied behind their backs with either rope or wire. Have you ever heard of that?

Dr. BECK. Yes. I obtained current reports from my Polish collaborators, who had been working on these exhumations, and it had been reported that numerous of those Polish officers found at Katyn had their hands tied behind their backs with string. I was familiar with the protocol of this International Commission of Scientists, which had arrived at the same finding.

Subsequently, I requested my assistants to take the material used for the tying-up, and bring it to me.

I formerly engaged in criminological scientific investigation of material used for strangulation purposes or for tying purposes, and that is why I have been surprised that this international commission of scientists had arrived at the finding that the string used for the tying of the hands of the Polish officers was made of Russian hemp. Subsequently I made a thorough examination of that strangulation material, which I myself developed and published in 1947. My method has been repeatedly used; for instance, by the supreme court of Massachusetts, file No. 13 N. E., 206-382. I made a thorough examination of that material brought me, based upon my method, and I was in a position to determine and corroborate that that material was made of Russian hemp, and I was particularly in a position to positively determine that this material was not of German industrial manufacture.

Mr. MACHROWICZ. In this institute that you were operating in Krakow, the various sections of that institute, with the exception of the serologic department and the department of identification of arms, were actually headed by Poles; am I right in that?

Dr. BECK. Yes.

Mr. MACHROWICZ. And were these Polish doctors given a free hand to handle those departments?

Dr. BECK. Yes.

Mr. MACHROWICZ. You mentioned in your statement Dr. Marion Wodzinski. Do you remember him?

Dr. BECK. Yes; I do.

Mr. MACHROWICZ. Did he ever ask you to be relieved of his duties in that department that he headed?

Dr. BECK. No. However, I wish to add that, to the best of my recollection, Dr. Wodzinski left sometime before Christmas of 1944 and did not return.

Mr. MACHROWICZ. Did he leave voluntarily?

Dr. BECK. Voluntarily.

Mr. MACHROWICZ. That is all.

Chairman MADDEN. We wish to thank you for coming here and testifying today, doctor.

Mr. FLOOD. Mr. Chairman, I would like to recall General Oberhaeuser.

Chairman MADDEN. Very well.

**FURTHER TESTIMONY OF GEN. EUGEN OBERHAEUSER (THROUGH
INTERPRETER MOSTNI)**

Mr. FLOOD. General, will you sit down, please?

You testified the other day to some extent before the committee. At that time you were requested by the committee to prepare a map, a reproduction of a map, from which you testified at that time. Do you have such a map with you today?

General OBERHAEUSER. Yes; I do.

Mr. FLOOD. Would you let me have it, please?

(The witness produced a document.)

I now ask the stenographer to mark this as "Exhibit 74".

(The document referred to was marked for identification as "Exhibit 74" and follows:)

EXHIBIT 74

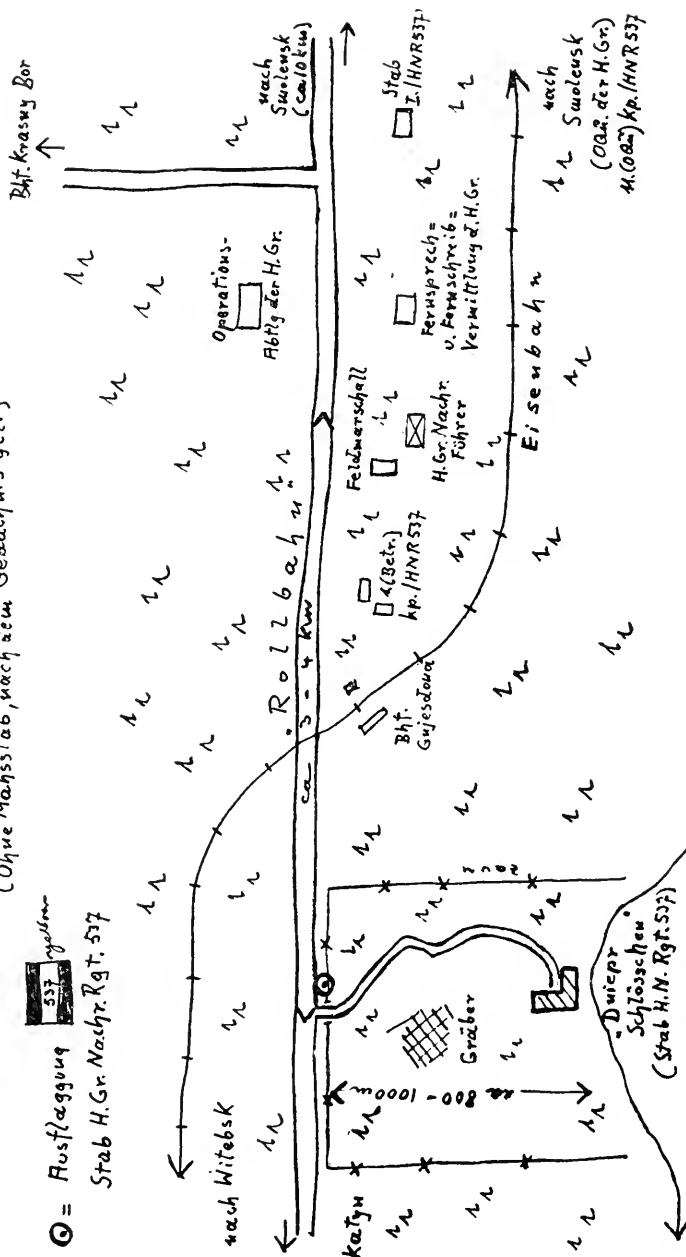
Handskizze zum Fall Katyn.

(Ohne Maßstab, nach dem Gedächtnis ger.)



⊙ = Ausfluggung

Stab H.Gr. Nachr. Rgt. 537



← M. Mikulin

2. (Funk) Kp./H.N.R. 537
Funkzentrale der H.Gr.
(5-6 km)Exhibit 74 - Frankfurt
OPD

Dniepr

Überliefert
24.4.52

Mr. FLOOD. I now show the witness exhibit No. 74 and ask him whether or not that is the map he has been requested to produce and has now just brought to the committee?

General OBERHAUSER. Yes; it is.

Mr. FLOOD. I offer that map in evidence.

Chairman MADDEN. Thank you, General.

The committee will now recess until 2:30, because of the lateness of the hour, instead of 2.

(Whereupon, at 1:10 p. m., the committee recessed, to reconvene at 2:30 p. m.)

AFTERNOON SESSION

(The committee reconvened at 2:30 p. m.)

Chairman MADDEN. The committee will come to order, please.

The committee wants to recall Colonel Ahrens for the purpose of identifying certain photographs.

FURTHER TESTIMONY OF COL. FRIEDRICH AHRENS (THROUGH INTERPRETER MOSTNI)

Chairman MADDEN. Just be seated, Colonel.

Mr. FLOOD. You are the Colonel Ahrens who testified previously this week in connection with this matter; is that so?

Colonel AHRENS. Yes; it is.

Mr. FLOOD. At that time, the committee suggested that if you had any additional photographs in your possession we would appreciate it if you brought them.

Colonel AHRENS. Yes.

Mr. FLOOD. Or if there were any letters in your possession or the possession of your wife that had been addressed to you at your address in Germany, in Saxony, before you were transferred to Smolensk.

Colonel AHRENS. Yes.

Mr. FLOOD. Will you let me see those photographs, please?

(The witness produced several photographs.)

Mr. FLOOD. Will you show these to the stenographer and have these photographs marked for identification as exhibits 75, 76, 77, 78, 79, and 80.

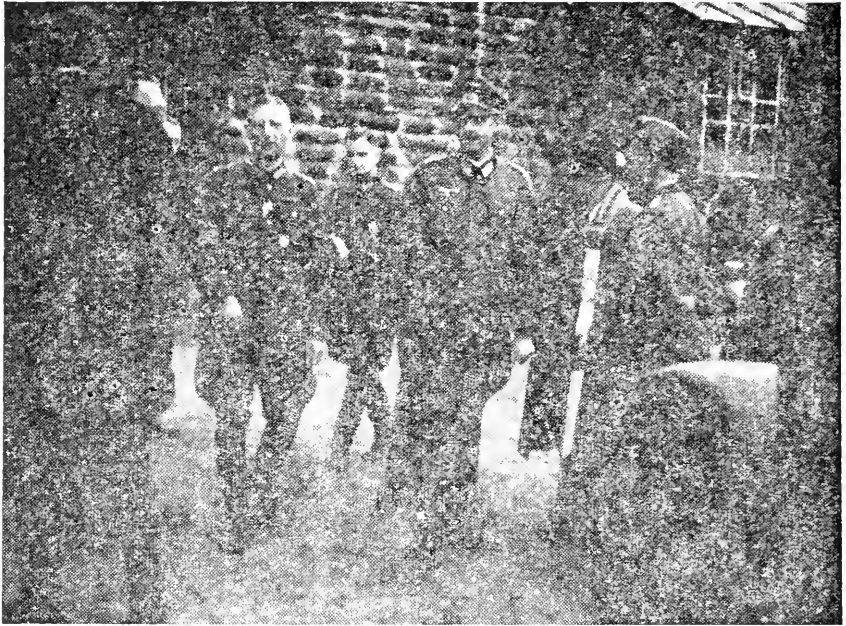
(The photographs referred to were marked for identification as exhibits 75 through 80.)

Mr. FLOOD. I now show the witness the exhibits 75 through 80, as indicated, and ask the interpreter to read from the marked exhibit the number of that exhibit and ask the witness in seriatum, one by one, to tell us what each picture is and who are the persons on each photograph.

Mr. MOSTNI. Exhibit 75.

(The exhibit referred to, previously marked for identification as "Exhibit 75," follows:)

EXHIBIT 75



Arrival of International Commission at Katyn.

Colonel AHRENS. This picture indicates the arrival of the panel of international experts of forensic medicine in April of 1943. The picture was taken in front of the so-called Dnieper Castle. It depicts Surgeon General Dr. Holm; his adjutant, Lieutenant Hodt, whose present address I also indicated, as well as myself. I am just about inviting this panel to have breakfast with me.

Part of this panel of international experts is not visible on the picture because they are obstructed by one of the guests.

Mr. MOSTNI. Exhibit 76.

(The exhibit referred to, previously marked for identification as "Exhibit 76," follows:)

EXHIBIT 76



Colonel Ahrens greets medical experts.

Colonel AHRENS. This picture also indicates the arrival of this international panel of experts. I am just greeting the gentlemen.

The picture depicts as follows, from right to left: the female German doctor who had been mentioned here yesterday, who was also a member of the committee. I do not know the next person on the picture. The third person, however, is that of Dr. Tramsen, the Danish doctor who testified here yesterday; then Dr. Zietz, who testified subsequently; Surgeon General Dr. Holm, and my self.

I cannot identify certain of the gentlemen depicted on this photograph who are wearing German uniforms.

Mr. FLOOD. Was exhibit 76 taken at the Dnieper Castle, your headquarters?

Colonel AHRENS. Yes; on the very same place, in front of the Dnieper Castle, also in April of 1943—as has been noted on the reverse of the picture.

Mr. MOSTNI. Exhibit 77.

(The exhibit referred to, previously marked for identification as "Exhibit 77," was subsequently withdrawn to protect the identity of the individual photographed. See below.)

Colonel AHRENS. This picture indicates the Russian keeper of bees, who has been mentioned in my testimony.

Mr. FLOOD. By the Russian keeper of bees, do you mean the Russian couple living in the area of the Katyn woods and your headquarters, who discussed with you certain shootings that took place in that area some time previously? Is that it?

Colonel AIRENS. Yes; that is correct. That is the couple in question. This picture, however, indicates the husband only. Here he stands between General Oberhaeuser and myself.

Mr. FLOOD. Is that the General Oberhaeuser who testified yesterday and today?

Colonel AIRENS. That is the same General Oberhaeuser who was my superior then and there.

Mr. FLOOD. What is the answer to my question?

Colonel AIRENS. It is the same General Oberhaeuser who testified yesterday.

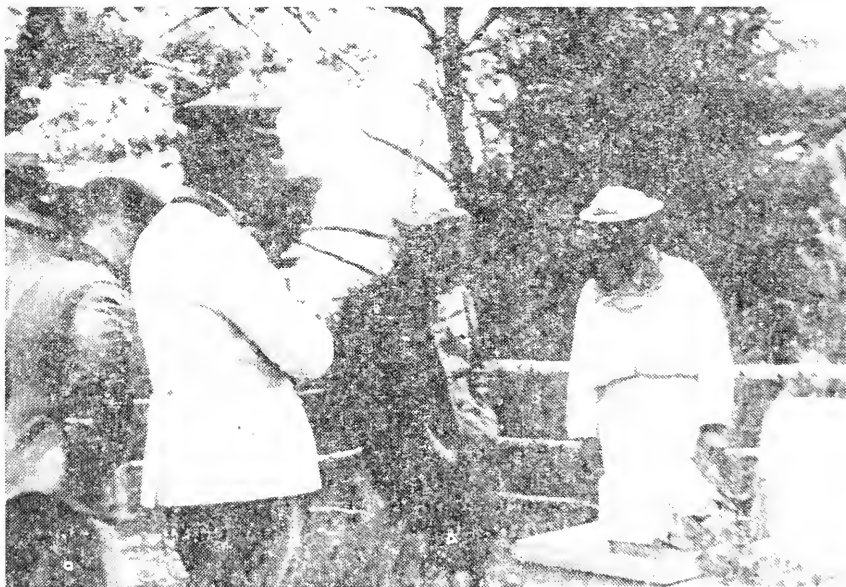
The name of the keeper of bees is noted on the reverse of the picture. I would prefer, however, not to read it aloud here.

Mr. FLOOD. All right, withdraw exhibit 77.

Mr. MOSTNI. Exhibit 78.

(The exhibit referred to, previously marked for identification as "Exhibit 78," follows:)

EXHIBIT 78



Colonel Abrens talking to Russian bee keeper.

Colonel AIRENS. This picture indicates the very same persons, the keeper of bees, General Oberhaeuser and myself.

Mr. FLOOD. Then you do not want that one in, either, do you?

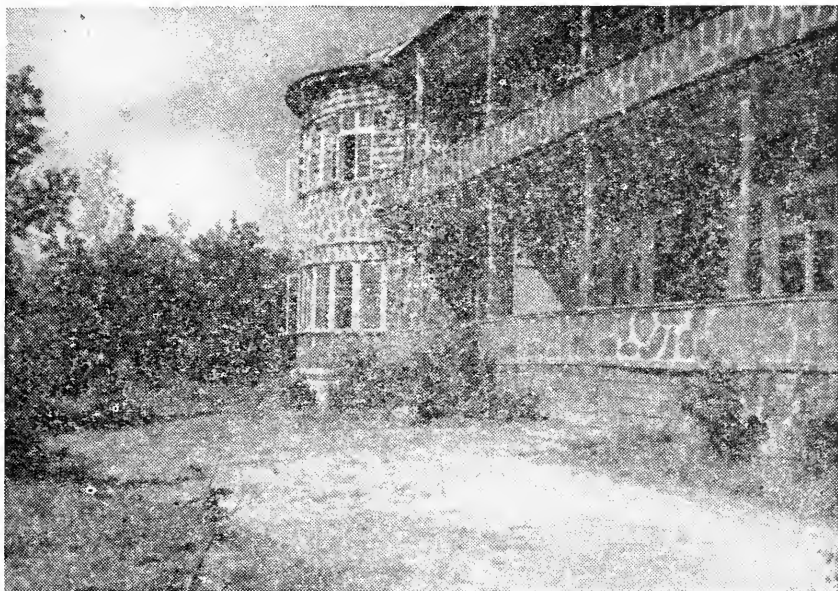
Colonel AIRENS. This picture may be included because it does not contain any name.

Mr. FLOOD. Very well.

Mr. MOSTNI. Exhibit 79.

(The exhibit referred to, previously marked for identification as "Exhibit 79," follows:)

EXHIBIT 79



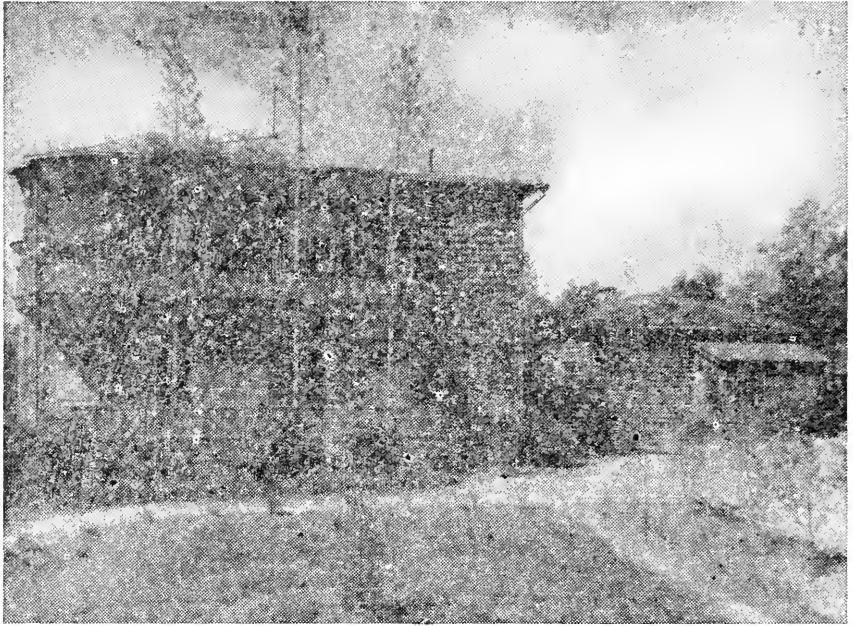
Dnieper Castle.

Colonel AHRENS. Exhibit 79 indicates a view of the Dnieper Castle, seen from the river side.

Mr. MOSTNI. Exhibit 80.

(The exhibit referred to, previously marked for identification as "Exhibit 80," follows:)

EXHIBIT 80



Dnieper Castle, east side view.

Colonel AHRENS. Exhibit 80 is an east side view of the same castle. The building is camouflaged by small trees and depicts in particular the economic annexes to the building.

I had an opportunity to discover several cards or letters which can prove and corroborate that I have been living at Haale from July through November of 1941.

Mr. FLOOD. Will you let me have them, please?

(The witness produced some documents.)

Mr. FLOOD. I would like to have the stenographer mark the envelope as exhibit 81.

(The document referred to was marked for identification as "Exhibit 81" and follows, together with its contents:)

EXHIBIT 81



Envelope addressed to Colonel Ahrens in Halle, November 15, 1941.

getting better yet - as I
 have long been - may I
 not of them - they are
 much more -
 drinking! Little -
 and still for me -
 and in person (and so).
 It is very much -
 soft - then longer -
 may give - but the -
 by. Be sure for -
 family - then in the -
 will give - and -
 - - - - -
 - - - - -
 - - - - -
 - - - - -

Letter—Continued.

Ich wünsche dir herzlich
 mein & meines vater auslassend!
 einzugeweiht - in demselben
 festeren festeren mein bei-
 dem die ganze!!! Ich
 lange dir ein glückseliges
 Leben soll ich zuhause!
 Ich wünsche dir ein
 sehr frohes & glückseliges
 Leben, was mich bringend
 mich bewegt. Ich wünsche in
 deinem Leben, fester mit
 10. hunderttausend, hunderttausend
 in der Welt. Ich wünsche
 dir ein glückseliges Leben. Ich
 wünsche dir ein glückseliges Leben.

Letter—Continued.

unter sich zu sein. Ich habe mich ge-
 fragt ob ich ihnen nicht
 für die Fortsetzung! —
 Auf meine Frage haben sie
 mir die folgende Antwort
 gegeben: "Wir sind
 sehr dankbar für Ihre
 Unterstützung und werden
 sie weiterführen."
 Ich habe mich sehr freuen
 können.

Letter—Continued.

Absender:

Dienstgrad

Vor- und
Nachname

Telefonnummer

Bezeichnung des Truppenteils verboten. Als Dienstgrad nicht
Edukte, Pioneer, Gefreiter, Leutnant oder

Feldpost

Postamt
mit
Postamt
Postamt
Postamt

An

Frau

24. 10. 1941

Herrn

Postamt
Postamt
Postamt
Postamt

Postamt

Postamt

Postamt

Postcard to Colonel Ahrens in Halle, October 23, 1941.

Mr. FLOOD. I now show the witness three documents, an envelope containing two pieces of a letter, and ask him if they are the envelope and letter he has described as being evidence of his residence in Germany between July and November 1941?

Colonel AHRENS. Yes. However, I shall endeavor to present some more similar evidence.

Mr. FLOOD. We will be glad to have it.

Chairman MADDEN. Thank you, colonel.

TESTIMONY OF DR. ROBERT KEMPNER, LANSDOWNE, PA.

Chairman MADDEN. Robert Kempner.

Does it make any difference to you whether you are photographed, or not?

Dr. KEMPNER. I have no objection.

Chairman MADDEN. Give the reporter your name and address Mr. Kempner.

Dr. KEMPNER. Robert Kempner; 112 Lansdowne Court, Lansdowne, Pa.

Chairman MADDEN. Mr. Kempner, before you testify, it is our wish to invite your attention to the fact that, under German law, you will not be liable for slander or libel, either in civil or criminal proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Do you understand that?

Dr. KEMPNER. I do.

Chairman MADDEN. Now will you raise your right hand and be sworn?

Do you swear, by God the Almighty, that you will, according to your best knowledge, tell the truth, the whole truth, and nothing but the truth, and not conceal anything; so help you God?

Dr. KEMPNER. I swear.

Chairman MADDEN. Proceed, Mr. Dondero.

Mr. DONDERO. How old a man are you?

Dr. KEMPNER. I am 52.

Mr. DONDERO. What is your business or profession?

Dr. KEMPNER. I am a lawyer and political scientist.

Mr. DONDERO. Where were you born?

Dr. KEMPNER. I am born in Freiburg, Germany.

Mr. DONDERO. When did you graduate in the profession of the law?

Dr. KEMPNER. First in '22 and the second admission to the bar in 1926.

Mr. DONDERO. Where?

Dr. KEMPNER. In Berlin.

Mr. DONDERO. Was that in 1923?

Dr. KEMPNER. 1927.

Mr. DONDERO. Did you begin the practice of the law in Berlin, Germany?

Dr. KEMPNER. That is correct, Your Honor.

Mr. DONDERO. How long?

Dr. KEMPNER. I started in 1922 after the first examination, and I ended in Berlin in 1934-35.

Mr. DONDERO. After 1935, did you continue to practice law?

Dr. KEMPNER. No.

Mr. DONDERO. What did you do?

Dr. KEMPNER. I taught in Italy and in France.

Mr. DONDERO. Did you lecture on law in the United States?

Dr. KEMPNER. Yes, Your Honor.

Mr. DONDERO. Where?

Dr. KEMPNER. In comparative law and international law and also in political science, I lectured at the University of Pennsylvania; also in Michigan, in Ann Arbor.

Mr. DONDERO. Was that the University of Michigan?

Dr. KEMPNER. Yes, your Honor.

Mr. DONDERO. At Ann Arbor?

Dr. KEMPNER. At Ann Arbor.

Mr. DONDERO. How long?

Dr. KEMPNER. At West Point and various other schools.

Mr. DONDERO. On what subjects did you lecture at West Point?

Dr. KEMPNER. Various times on German-Russian relations.

Mr. DONDERO. Do you understand that West Point is the Military Academy of the United States?

Dr. KEMPNER. Yes, Your Honor, that is the Military Academy of the United States.

Mr. DONDERO. How long did you lecture in the United States at the three places you named?

Dr. KEMPNER. I lectured at various schools and places between 1939 and 1951.

Mr. DONDERO. All in the United States, or here in Europe as well?

Dr. KEMPNER. In the United States; also in Switzerland and also in Germany.

Mr. DONDERO. Where were you in 1939?

Dr. KEMPNER. In France and in the United States.

Mr. DONDERO. Where were you during the recent war, or World War No. II?

Dr. KEMPNER. In the United States.

Mr. DONDERO. When did you come back to Europe?

Dr. KEMPNER. The first time I came back after World War II was in July or the beginning of August 1945.

Mr. DONDERO. What was the purpose of your return to Europe?

Dr. KEMPNER. I was at that time connected with the War Department and was on loan to Justice Robert H. Jackson's prosecuting staff.

Mr. DONDERO. Do you mean to say that you were connected with the War Department of the United States?

Dr. KEMPNER. Yes, your Honor.

Mr. DONDERO. Were you connected at one time with the German Government?

Dr. KEMPNER. Yes, your Honor.

Mr. DONDERO. How long?

Dr. KEMPNER. Until 1933.

Mr. DONDERO. And in what capacity?

Dr. KEMPNER. I was senior Government counselor and of kind of general counsel of the German police system.

Mr. DONDERO. Was that in the further practice of the law?

Dr. KEMPNER. The general counsel's job was a legal job with the pre-Hitler German Government.

Mr. DONDERO. And that would be before 1933, would it?

Dr. KEMPNER. Yes, your Honor.

Mr. DONDERO. Just what date did you become connected with the War Department of the United States, as far as you can remember?

Dr. KEMPNER. I think I switched from the Department of Justice in Washington to the Department of War in the beginning of 1945.

Mr. DONDERO. Was that when you came back to Europe?

Dr. KEMPNER. That was before.

Mr. DONDERO. What is your recollection as to when you came back to Europe as a representative of the War Department in Washington?

Dr. KEMPNER. It was in July or beginning of August 1945.

Mr. DONDERO. Who employed you at that time?

Dr. KEMPNER. I was on the payroll of the Judge Advocate General.

Mr. DONDERO. Of the United States?

Dr. KEMPNER. Of the United States.

Mr. DONDERO. Did you take any part in the Nuremberg trials?

Dr. KEMPNER. Yes, Your Honor.

Mr. DONDERO. With whom were you associated there?

Dr. KEMPNER. I was a member of the American prosecution staff.

Mr. DONDERO. Who was the head of that staff?

Dr. KEMPNER. Justice Robert H. Jackson.

Mr. DONDERO. Then you were one of the assistant prosecutors; is that correct?

Dr. KEMPNER. I was at that time one of the assistant prosecutors.

Mr. DONDERO. And from either July or August 1945 you were then at the Nuremberg trials after that date, were you?

Dr. KEMPNER. That is correct, Your Honor.

Mr. DONDERO. How long?

Dr. KEMPNER. I came for 30 days and remained until September-October 1949.

Mr. DONDERO. How many years and months would that be?

Dr. KEMPNER. About 4 years and 3 or 4 months.

Mr. DONDERO. And while you were at Nuremberg did the subject of the Katyn massacre come before the court?

Mr. FLOOD. Before you proceed with the matters of the Nuremberg trial itself, suppose you outline, just for the record, so we'll know what we're talking about later, briefly, but reasonably detailed, the agreements at the London meeting between the powers how the jurisdiction of the counts decided upon were distributed among the nations; how the Katyn matter became identified as a count or an indictment; the differences in procedure at the Nuremberg trials as distinguished from the English common law as practiced in the United States of America, with particular reference to motions to quash indictments or motions for nol. pros.; and in what manner were counts, as we say in the English common law, or charges, presented under the Nuremberg practice.

Dr. KEMPNER. I must mention in the beginning that I was not present in London when the agreement was made, and I am sure my superior at that time, Justice Robert H. Jackson, can tell this much better than I; but since I practiced this matter for 4½ years, I think I can answer the question of the committee.

After the London Agreement of 1945, which was backed by 20 or more Allied states, not only by the Big Four powers, but also by the Danish, by the Dutch, and all the other nations who were at war in Germany, a dividing line had to be made how to handle that big trial. The first Nuremberg trial, the so-called big international trial, had four counts, and these counts were more or less drawn up according to Anglo-Saxon law. There were certain continental points in it, but I don't want to go into that now.

The first count was a common plan and conspiracy to commit crimes against peace, war crimes, and crimes against humanity. The second count was crimes against peace. The third count was called war crimes, and if I saw war crimes, I mean war crimes in the old conservative sense—violation of the Hague Convention, the Geneva Convention, and similar. The fourth count was crimes against humanity. That was something new in the form. We old reactionary criminal lawyers just called it murder and similar things.

Mr. MACIUKOWICZ. May I just interrupt there for the record so there will be no misunderstanding? Will you explain what you mean by reactionary criminal lawyers?

Dr. KEMPNER. The people who call murder just murder, but I will refrain from any antistatements.

Now, the big battle started how should these four counts be divided up among four nations that participated—the United States, the British, the French, and the Russians, and the division which came out was as follows, and I saw the very great outline. There were a lot of details which I think are of no interest to the particular problem here. Common plan and conspiracy (count I) and crimes against peace (count II) were handled by the United States and the British.

Chairman MADDEN. I didn't get that last.

Dr. KEMPNER. Count I, conspiracy, and count II, crimes against peace, were handled by the United States and by the British. Count III, war crimes, and count IV, crimes against humanity, were divided up according to geographical regions or districts. The French handled the war crimes and crimes against humanity as far as Western Europe was concerned. They were, so to speak, spokesmen, the prosecuting spokesmen, for the French, for the Dutch, for the Belgians, and other German occupied western territories. The Russians were in charge of war crimes and crimes against humanity which were allegedly committed in the eastern areas, and if I say eastern areas I mean the Soviet Union, Poland, and at the time they handled also Yugoslavia, and Bulgaria, Czechoslovakia.

Mr. FLOOD. Let me ask you as you best remember, and it is only your best recollection, was there any actual geographic demarcation line drawn or was it just a general distinction?

Dr. KEMPNER. If I remember, it was a clear-cut agreement between the four nations at that time.

Mr. FLOOD. I understand the agreement was clear-cut, but what I am trying to find out is was there any actual demarcation line actually drawn from point A to point B geographically to make the difference between the East and the West, as far as jurisdiction was concerned?

Dr. KEMPNER. I don't think so, Your Honor. I think it was kind of a general practice. Everybody handled it this way.

Mr. O'Konski. In what was Germany proper before the war—who had the responsibility there, the Russians or the French?

Dr. KEMPNER. There the question of nationality played a role. If the victims were, for instance, Russian prisoners of war, the Russians handled it, and if they were slave labor camps with French inmates, the French handled it.

Mr. O'Konski. Suppose the victims were Poles? Who handled them, the Russians or the French?

Dr. KEMPNER. Mostly the Russians, but since sometimes camps had French and Polish inmates and even Hungarian inmates; then it was just up to the prosecutors who said maybe, "No, that's Russian stuff. Don't bother me with that." You know how that is in a trial.

Mr. Machrowicz. Specifically then, under the circumstances which you know of as existing then, would the Katyn Forest incident come under the Russians or the French jurisdiction?

Dr. KEMPNER. The Katyn affair was a clear-cut Russian affair and was handled right from the beginning by the Russians.

May I ask Your Honor very humbly to give me leading words what the first topic is?

Mr. Flood. The first topic is have you, in your opinion, described for the committee how the different jurisdictions were set up? Are you satisfied with that?

Dr. KEMPNER. I think I am, if you are.

Mr. Flood. You have told us in what jurisdiction the Katyn matter fell and why. Now, we are down finally to the difference in procedure in Nurnberg and the English common-law system.

Dr. KEMPNER. The first topic, the indictment. The Nurnberg indictment which was drawn up by all the four nations was pretty similarly done to an Anglo-Saxon indictment. However, I would say there were more particulars in the indictment than we would do it normally in the United States. Not to the satisfaction of the defendants who wanted even more according to continental law. The indictment had four counts, as I already have said. In the rules and procedures of the court there was no provision, as we would say, to quash the indictment. We had no such provisions. However, there were instances where German counsel asked for something which might come pretty near to such a procedure. For instance, the lawyer of Goering, Mr. Stahmer, made a motion or, as he called it, an application, after the evidence in the Katyn case was heard, to move that this part should be stricken.

Mr. Flood. You mean stricken from the record?

Dr. KEMPNER. As I remember, a kind of removing from the indictment.

Mr. Machrowicz. May I ask at that point, was that before or after the testimony on that particular point of the indictment was offered?

Dr. KEMPNER. This was after the witnesses on Katyn were heard.

Mr. Flood. Now, what about a nol pros?

Dr. KEMPNER. That didn't exist. It practically never came up; something like that.

Mr. Flood. So that a motion for a nol pros under the English common law system made either by one of the parties or the prosecution did not exist under the Nurnberg procedure?

Dr. KEMPNER. During the first trial it never came to my attention. Later we did it.

Mr. FLOOD. There's only one more part of that procedural question: In what manner were the counts presented or the charges brought before the Court or the Tribunal by each of the member nations?

Dr. KEMPNER. First, certain general questions were handled and presented to the court, based on trial briefs. Each trial brief was supplemented by a document book, mostly captured original German documents, and it was presented like in an American or English court—first, the opening statement of the chief prosecutor for the Americans, Justice Jackson. The British was Sir David Maxwell-Fyfe, who is now Minister of the Interior, and I think for the Russians it was General Rudenko. For the French, among others, Edgar Faure, the French Prime Minister, who was French Prime Minister during the last 2 months or so. Then another way of presentation started. We wrote trial briefs against each individual defendant, together with document books, a kind of catalog lining up each defendant with the various things. In fact, I was in charge of the division which had to write these trial briefs on the individual defendants.

Mr. DONDERO. Now, Mr. Kempner, coming right down to the Katyn question, how specific was the count drawn in that case?

Dr. KEMPNER. The Katyn case was mentioned in the indictment under count III, subsection C, that means mistreatment, and so forth, of prisoners of war. Count III, subsection C, and if I remember, it was drawn up just in three or four lines, printed line, in the indictment.

Mr. DONDERO. Who drew it up?

Dr. KEMPNER. To my best knowledge, the Russians.

Mr. DONDERO. What was the specific charge in that count?

Dr. KEMPNER. The specific charge was and, if I may, I want to refresh my memory—the specific charge was as printed in the indictment in volume I, page 54, of the record of the International Military Tribunal, page 54, which reads, and I have to correct myself because these are only two lines and not three or four lines as I said.

Now, I am refreshing my memory and see that the indictment says:

In September 1941, 11,000 Polish officers * * *.

Mr. FLOOD (interposing). As a matter of fact, you are reading directly from the record, are you not?

Dr. KEMPNER. I am reading now from the record, volume I, page 54:

In September 1941, 11,000 Polish officers were killed in the Katyn Forest near Smolensk.

Mr. MACHROWICZ. Have you read the complete charge in the indictment, so far as Katyn is concerned?

Dr. KEMPNER. Yes, your Honor, I did so.

Mr. DONDERO. Now, when did this case come before the court, during the beginning of the Nurnberg trials or toward the end?

Dr. KEMPNER. The first time evidence was submitted or alleged evidence was submitted by the Russian prosecution was in the middle of the trial. In fact, on February 14, 1946.

Mr. DONDERO. In what form did they submit the evidence?

Dr. KEMPNER. The evidence submitted at that time by the Russian prosecutor, Colonel Pokrovsky, was a Russian document which had the document number U. S. S. R. 54, and this document was a report written by a Russian state commission, as they called it, and in this report there were details about the alleged massacre which I have men-

tioned as part of the indictment, and this is in the record of the International Military Tribunal, volume VII, pages 425 to 427.

Mr. MITCHELL. Isn't that volume XVII?

Dr. KEMPNER. Volume VII.

Mr. DONDERO. Now, that report, Mr. Kempner, is the report of the Russian Commission appointed by the Russian Government to examine the question of Katyn?

Dr. KEMPNER. Yes, your Honor.

Dr. DONDERO. What is the date of that report?

Dr. KEMPNER. I don't know the date. I have forgotten the exact date.

Mr. DONDERO. After the Russians presented their charge in the form of this report, was there anything done on the part of the Governments of the United States, the British, or the French?

Dr. KEMPNER. Nothing at all.

Mr. DONDERO. When did it come up again, the question of the Katyn massacre?

Dr. KEMPNER. This question just came up just about 1 month later, namely, on March 8, 1946.

Mr. MACHROWICZ. One question there; so there will be no misinterpretation: Nothing was done by the Americans, British, or French because, under the method you have described here previously, there was nothing that should have been done or could have been done by the Americans, British, or French, is that correct?

Dr. KEMPNER. That is correct. We had no right to interfere in any way.

Mr. DONDERO. When it came up a month later, then what happened?

Dr. KEMPNER. On March 8, 1946, the defense took it up.

Mr. FLOOD. May I interrupt at this time to point out, in fairness to the witness, that the chief counsel of the German defense was whom?

You may not be able to decide who that was.

Who was the counsel for Goering?

Dr. KEMPNER. I don't want to answer the first question because of certain professional—

Mr. FLOOD (interposing). All right.

Who was the counsel for Goering?

Dr. KEMPNER. The very distinguished lawyer from Schleswig-Holstein, Mr. Otto Stahmer.

Mr. FLOOD. I think you would like to know that Dr. Stahmer is now in the courtroom at this moment.

Dr. KEMPNER. I am glad to see again the fighter from the other side.

Mr. FLOOD. Will you stand up, Dr. Stahmer?

Mr. DONDERO. Tell the committee then what happened when the defense brought it up.

Dr. KEMPNER. On that very day, Mr. Stahmer stood up and made something, which was translated into English, an application, I would rather call it a motion, and his motion was—I say it shortly: "I do not believe that my client and the persons mentioned in the Russian document are guilty or connected with this Katyn case, and I want to have witnesses," he said, and he asked at that time for a Colonel Ahrens, a Lieutenant Rex, and a General Oberhaeuser, and a Lieutenant Graf Berg, and he also mentioned that he wanted to have as a witness for the defense or an expert witness, a Professor Naville, from

Geneva, and Chief Justice Lawrence, as always, said: "Put it in writing," and all this happened on March 8, 1946, and I am referring to volume IX pages 3 and 4, of the blue volumes of the record of the International Military Tribunal.

Mr. DONDERO. Who was Justice Lawrence?

Dr. KEMPNER. That was the chief justice, who was a Britisher.

Mr. DONDERO. Tell the committee just what happened?

Dr. KEMPNER. There was another very short discussion because Mr. Stahmer complained that he had not received copies of the famous Russian State Commission report.

Mr. MITCHELL. Were you present in court at the time of this discussion?

Dr. KEMPNER. I remember I was at that time in court.

The answer was that 30 copies were already at the translators' room. I think that is written down in volume IX, page 28.

Mr. MITCHELL. One question: Did Dr. Stahmer put it in writing when the judge told him to, to your knowledge?

Dr. KEMPNER. I cannot say. I can only draw the conclusion that he did so.

Mr. MITCHELL. You don't know yourself, though?

Dr. KEMPNER. I don't know myself, and I can draw the conclusion from the thing which follows right now.

Mr. DONDERO. In other words, Dr. Stahmer, the attorney, demanded that witnesses be called?

Dr. KEMPNER. Yes; and he did so very energetically.

Mr. DONDERO. Tell the committee just what happened in regard to the arrangements for witnesses.

Dr. KEMPNER. This motion about witnesses was translated into four languages, which always took some time, and on May 11, 1946, the Russian, Colonel Pokrovsky, announced the motion in open court, and he said literally: "The prosecution protests very energetically * * *". In fact, he didn't say "the prosecution," he said: "The Soviet Union, the prosecution of the Soviet Union, categorically protests against witnesses," and then Chief Justice Lawrence made one remark, and after that very remark, Colonel Pokrovsky gave in in some way.

Chairman MADDEN. What remark did Justice Lawrence make there?

Dr. KEMPNER. I don't know. I am not able to quote it really, but it was some remark which is in the record in volume XIII, page 430.

Chairman MADDEN. Have you that volume here?

Mr. DONDERO. The witness refreshes his memory from the record.

Dr. KEMPNER. I refresh my memory, and with your permission, I am reading this remark from page 430: "PRESIDENT OF THE COURT: Colonel Pokrovsky, we have this matter fully in our mind and we have already had to consider it. Therefore, it is not necessary for you to deal with it in detail, for I understand that these are new witnesses who have not before been applied for."

Chairman MADDEN. Now, what did President Lawrence mean by that remark?

Dr. KEMPNER. It's rather difficult for a prosecutor or lawyer to interpret a judge, but, if I understand it well, then he meant: "You better be careful and I think we will do something about it."

Mr. DONDERO. Were witnesses agreed upon and the number?

Dr. KEMPNER. At that time there was a further discussion, and the Russian, Colonel Pokrovsky, said, more or less to the court: "If the defense wants 2 witnesses, we, the Russians, want 10 witnesses."

Mr. MITCHELL. Was it the customary procedure of the court to grant such requests?

Dr. KEMPNER. Not such wild ones, I would say.

Mr. DONDERO. Did they finally agree upon the number of witnesses upon each side?

Dr. KEMPNER. The judge, in what at that time I thought was a very wise way, said: "Each of you three." That was the ruling which was later pronounced—each side three. That's all.

Mr. MITCHELL. Three witnesses?

Dr. KEMPNER. Three witnesses.

Mr. DONDERO. Did each side present three witnesses?

Dr. KEMPNER. Anyhow, he made this ruling: "Three witnesses," and then something happened, Your Honor, which I do not know, because the American prosecution had nothing to do with it, but I know that some coming together between the Russian prosecution and the German defense happened.

Mr. MITCHELL. I would like to ask here a procedural question.

When the defense or the prosecuting lawyers on either side wanted to have a conference, official conference, to whom did they go to arrange such a meeting?

Dr. KEMPNER. When we Americans had something, I just went to the German lawyers and said, "What are you doing, and what should I do?" However, when a question with the Russians was involved, the German lawyers went, as we would say in the United States, to the clerk of the court, he should arrange a meeting, or, as it was said or as the official name was in Nuremberg, the secretary general.

Chairman MADDEN. Before Mr. Mitchell asked his question, you stated something happened then between the Russian prosecution and the German defense. What did you mean by that?

Dr. KEMPNER. A talking about the ruling of the court, that each side has a right to have three witnesses, whether they really would have three or maybe two are enough, or whether they might do it in affidavit form or something like that. But I was not present.

Chairman MADDEN. What happened? Was there a decision made?

Dr. KEMPNER. Anyhow, on June 29, 1946, which was 1 month later, Justice Lawrence asked the Russian colonel, who was a prosecutor, a kind of judge advocate, "Did you come to an agreement?" He asked him in open court, "Did you, Russian Prosecutor, make an agreement with German counsel about the three witnesses?"

Mr. MITCHELL. May I pause a minute there?

You referred to the so-called clerk of court, as called in the American system, or as he was called at Nuernberg—what was it?

Dr. KEMPNER. Secretary General.

Mr. MITCHELL. Who was that?

Dr. KEMPNER. I think at the time there were certain changes. There was some clerk of the Supreme Court from Washington first, but I think at that time, his successor was—I am not a hundred percent sure, but I think it was a General Mitchell.

Mr. MITCHELL. An American?

Dr. KEMPNER. An American general.

Mr. DONDERO. Now, Mr. Kempner, you are in court, the court has called up the case, he asked you, for the prosecution and the defense, if you had come to an agreement; and your answer was that you had?

Dr. KEMPNER. Not my answer but the answer of the Russian attorney, and I think also of Mr. Stahmer. And the answer was there was some agreement between prosecution and defense, "And we just can go ahead."

Mr. FLOOD. I think the record should be very clear at this point that whatever discussion you are talking about, or whatever discussion there was with the court about agreements as to the number of witnesses was a matter between the court, the Russians, and the Germans, and nobody else; is not that it?

Dr. KEMPNER. That is right. And I testify only on matters which I saw in court, or heard.

Chairman MADDEN. You were acting in the capacity of an observer or a spectator, were you?

Dr. KEMPNER. The American prosecution was always represented. We had our own table and we were present.

Chairman MADDEN. You were participating then?

Dr. KEMPNER. Yes.

Mr. MITCHELL. No.

Mr. FLOOD. One moment.

I want the record to show—I repeat it again for the purpose of emphasis—that whatever agreements were made in the open court, that you are talking about and that you saw or heard, were made between the court, the Russian prosecution, and the German defense; is not that right?

Dr. KEMPNER. That is absolutely correct, and the records shows so.

Mr. FLOOD. And you were present in the court merely as an attaché of the American side.

Dr. KEMPNER. I was one of the representatives of the American side.

Mr. FLOOD. Apparently, I have to spell this out three times. You did not, for the Americans, participate in any of these agreements that we were talking about, with the Russians and Germans.

Dr. KEMPNER. I did not; and, to my best knowledge, none of my American or British colleagues did so.

Mr. DONDERO. After this matter came up the second time, that you have just described, did it come up again before the court?

Dr. KEMPNER. Yes, your Honor. Just 2 days later this defense presented the three witnesses.

Mr. DONDERO. Did the Russians present any witnesses?

Dr. KEMPNER. Yes; your Honor.

Dr. DONDERO. Who were the German witnesses?

Dr. KEMPNER. The German witnesses—and the record of the Tribunal, volume 17, page 274, shows so, that the first German witness Mr. Stahmer presented was Mr. Friedrich Ahrens.

Mr. DONDERO. I think you have already testified to that. My attention has just been called to it.

Now, that was 2 days after the agreement or discussion about the witnesses.

Dr. KEMPNER. Yes, your Honor; on July 1.

Mr. DONDERO. What year?

Dr. KEMPNER. 1946.

Mr. DONDERO. What happened in regard to the Katyn case in court after that, if you know?

Dr. KEMPNER. After Mr. Stahmer was through with his three witnesses and the Russians were through with their three witnesses——

Mr. DONDERO. In other words, what did the court do?

Dr. KEMPNER. Mr. Stahmer made, 3 days later, on July 5, his final plea for Goering.

Mr. DONDERO. The question is: What did the court do?

Dr. KEMPNER. I made a little mistake. There is something that happened before.

The Soviets were not very enthusiastic about the thing and said, "We brought only these two or three witnesses; this is pretty bad. We want to have many more witnesses, up to 120 or something like that." And Mr. Stahmer stated for the defense, "Okay, if we get equal numbers." And Justice Lawrence, if I am right, said, more or less, "We are through; each side had three witnesses."

And 3 days later, Mr. Stahmer made already his final statement, because these were really the last witnesses of the whole trial.

Mr. DONDERO. Do you mean the Nuremberg trial?

Dr. KEMPNER. The Nuremberg trial.

Mr. DONDERO. After that happened, what did the court do, if anything?

Dr. KEMPNER. I want to say shortly, Mr. Stahmer said, "No proof," in his final statement on July 5. And a couple of days later, on July 29, 1946, the Russian prosecutor made his statement, his final statement.

Mr. DONDERO. What did he say?

Dr. KEMPNER. Volume 19, page 583—and he didn't mention Katyn at all——

Mr. DONDERO. The question has been left unanswered. What did the court do after that, if anything?

Dr. KEMPNER. The court didn't mention the Katyn case any more, and so far as I know the judgment, the word "Katyn" had not been mentioned in the judgment October 2, 1946.

Mr. DONDERO. So that the case of the Katyn massacre was left undecided?

Dr. KEMPNER. The court made no finding.

Chairman MADDEN. Mr. O'Konski.

Mr. O'KONSKI. From your observation, when the Katyn matter came up did the judges sitting at the trial show a sincere interest in establishing guilt one way or the other for those murders or were they more interested in letting it drop just as fast as possible?

Mr. MACIROWICZ. Mr. Chairman, may I say that I think it was agreed with counsel that he should express whatever facts he knows of and whatever observations he made, and I think it would be unfair for the committee to ask the counsel to express an opinion, unless he wishes to do so—an opinion particularly of this kind.

Mr. O'KONSKI. I will drop the question, but I have some more questions. I withdraw the question.

Mr. MACIROWICZ. Do you care to answer?

Dr. KEMPNER. No. It is a little difficult to talk about my own judges. It might be contempt of court and it might be admiration, and I don't want to say anything.

Mr. O'Konski. I will withdraw the question, then.

Dr. Kempner. Thank you.

Mr. O'Konski. I have some more questions, and these are not questions of opinion; these are questions of fact from your observation.

The United States and Great Britain were given the responsibility of preferring charges at the trial for a plan of conspiracy and crimes against peace; is that not correct?

Dr. Kempner. Yes; and a conspiracy to commit such crimes and war crimes and crimes against humanity.

Mr. O'Konski. Did the United States and British delegations at Nuremberg trials prefer the charges of an act of aggression and a breaking of nonaggression treaties by Russia against Finland in 1938 and 1939?

Dr. Kempner. Not to my knowledge.

Mr. O'Konski. Did the British and American delegations bring the charges, since it was within their category, since they were charged with plans of conspiracy and crimes against peace, prefer the charge of Russia's aggression against Latvia and the breaking of the non-aggression pact with Latvia by the Russians?

Dr. Kempner. Not to my knowledge.

Mr. O'Konski. Did they prefer any charges before the Nuremberg trials on Russia's aggression and breaking of a nonaggression treaty with Estonia?

Dr. Kempner. Not to my knowledge.

Mr. O'Konski. Did they bring any charges of Russia's aggression and violation of a nonaggression pact with the country of Lithuania?

Dr. Kempner. No.

Mr. O'Konski. Here is an important one: Did the British and the American delegations bring the charge before the Nuremberg trials of Russia's attack on Poland in league with Hitler when he first started the war and the breaking of the nonaggression pact with Poland?

Dr. Kempner. No.

Mr. O'Konski. In other words, at the Nuremberg trials, the only charges of aggression and treaty violation that the United States and Great Britain brought before the Nuremberg trials were those which were committed by the Germans?

Dr. Kempner. At that time; yes.

Mr. O'Konski. That is all.

Mr. Machrowicz. Just one question.

I would like to return to the Katyn case, but I am going to ask just one question to clear some of the matters.

In view of the fact that this was a four-power tribunal, could the United States or Great Britain prefer any charges against another member of that tribunal, Russia?

Dr. Kempner. Of course not. It was a time of a warm peace and not of the cold war.

Mr. O'Konski. In that connection, I wish to state that there were four judges—were there not—one Russian, one Frenchman, one Englishman, and one American, and they could have decided, if it had not been brought up, that it could be brought up?

Dr. Kempner. That is a very difficult type of technical, \$64, question and I really have not the answer, Your Honor, I am sorry.

Mr. Machrowicz. Returning to the Katyn case, I am going to ask just a few questions.

Am I correct in assuming, from the testimony which you have given thus far, that you have given this committee the understanding that the entire responsibility for the presentation of the case, insofar as Katyn is concerned, was placed upon the Russian representative?

Dr. KEMPNER. Yes, Your Honor. The Russians had the sole responsibility.

Mr. MACHROWICZ. And am I correct also in assuming that the Russian representative upon whom this responsibility was placed failed completely in his final argument to the courts to even mention the Katyn case.

Dr. KEMPNER. Yes, Your Honor. After that debacle with the witnesses they didn't press it any longer.

Mr. MACHROWICZ. And am I correct in understanding that the four-power court failed completely in its judgment to mention the Katyn case?

Dr. KEMPNER. To the best of my knowledge and after having read the judgment—volume 1, again—Katyn is not mentioned.

Mr. MACHROWICZ. The Russians had a representative in that four-power court, did they not?

Dr. KEMPNER. Yes, they had, Your Honor.

Mr. MACHROWICZ. Do you remember who he was?

Dr. KEMPNER. I think it was General Nikitchenko.

Mr. MACHROWICZ. Did the Russian member of that tribunal make any objection or protest against the four-power tribunal having failed to determine guilt in the Katyn case?

Dr. KEMPNER. Not so far as the official record is concerned.

Mr. MACHROWICZ. And do you know anything to the contrary?

Dr. KEMPNER. I never have heard anything about it.

Mr. MACHROWICZ. Now, did I understand also that the Russian prosecutor, who had the sole responsibility of the presentation of the case, had the right, after the judgment was entered, to make a request that the judgment be amended to include a finding in the Katyn case?

Dr. KEMPNER. I think every power, every prosecutor, had the right to ask for some motion of error or some motion to amend the judgment.

Mr. MACHROWICZ. Do you not know, as a matter of fact, that there were instances during the Nuremberg trial when the prosecutor did make such a request whenever he felt that the court failed to make a ruling on a material matter?

Dr. KEMPNER. I do not know exactly whether we did, but I know exactly that in two Nuremberg trials later the defense did it, with success, in two cases.

Mr. MACHROWICZ. So that the Russian representative, then, did have that power, in your opinion?

Dr. KEMPNER. Despite the fact that these judgments were, so to speak, final, you always could make motions to the same court.

Mr. MACHROWICZ. And isn't it true also that there were instances in the Nuremberg trial when one representative of the tribunal, who felt not in accord with the majority opinion, did express his own minority opinion? Is that correct?

Dr. KEMPNER. That happened, and, in fact, in the first Nuremberg trial the Russians filed a dissenting opinion because they were not

satisfied with the acquittal of Schacht and von Papen and, I think, Fritzsche. And they were also not satisfied, I think, with the life sentence for Hess. I think they wanted something else.

Mr. MACHROWICZ. And in this case the failure of the Russian member of the tribunal to file a dissenting or minority opinion must be construed as constituting his agreement to the failure of the tribunal to determine guilt in the Katyn case? Am I correct?

Dr. KEMPNER. I don't care to interpret the Russian sphinx and Mr. Nikitchenko, what he thought at that time, why he did or why he did not, but he just did not, and they filed a dissenting opinion of 11 or 12, or of more than 12, printed pages on other issues.

Mr. MACHROWICZ. But you do state that, despite the fact that the Russian member of the tribunal could have filed a minority opinion in this instance, he filed no dissenting opinion?

Dr. KEMPNER. Yes, Your Honor, I do.

Mr. FLOOD. Now, counselor, I want to ask you a question. It will call for a combination, perhaps, of fact and of opinion for you to answer. You don't have to answer anything if you don't want to.

When I arrived in Bremerhaven I went to Bremen and I met with the German press. Later on I met with the German press at Bonn, and the international press at Bonn, and I told the press as that time that one of the things that the American Congress was interested in, and one of the things that this Commission was going to try and inquire into, was whether or not there was any collusion between any members of the American staff and the Russians for the purpose of ignoring or dropping or failing to prosecute the Katyn indictment.

Now, as far as your official connection or capacity permitted, from your observations and experience, are you aware of any such conspiracy or attempt to collude between anybody on the American side and anybody on the Russian side, or anybody else, to ignore, to brush off, or to quash or to dispose of the Katyn indictment?

Dr. KEMPNER. Not the slightest, and, in fact, we admired Mr. Stahmer at that time because this was one of the few scores he really made for Goering, that the Russians more or less dropped the Katyn matter.

Mr. FLOOD. Was the atmosphere or the attitude among the attachés of the court such that it could be construed as a victory for Stahmer insofar as that court was concerned?

Dr. KEMPNER. So far as I am concerned, absolutely, and I think there were several people of the American prosecution who expressed this to Mr. Stahmer, and to other people. And, if I remember very well, I myself said to old Goering—something which I cannot translate very well into English.

Mr. MACHROWICZ. May I state for the record that because of an appointment that the Chairman and I have, to leave for Berlin, we will have to leave the hearing at this time, and I hope the witness does not construe our departure as taking away from his testimony at all, which I considered very informative and very important to hear.

Mr. FLOOD. Now, as one trial lawyer to another, I want you to express an opinion. You don't have to if you don't want to.

Wouldn't you say that the failure of the Russian prosecution to argue the Katyn matter in the closing argument, and the failure of

the Russians to pursue the Katyn matter further, in view of their peculiar position as a member of the tribunal, is about as clear a confession of guilt of the Katyn matter as it would be possible to imagine?

Dr. KEMPNER. At that time, in 1945, Katyn was no issue for my point. I was not acquainted with all these things too well. However, after I have studied it again—and I am writing some history on the Nurnberg trials—I would say at least it looked mighty funny.

Mr. DONDERO. I want to say that it is to be regretted that the court did not dispose of this case at the time they had it before them.

Mr. FLOOD. Your name appeared in the German press here in connection with these hearings. What is the nature of your appearance here, voluntary or otherwise?

Dr. KEMPNER. It is absolutely voluntary.

Chairman MADDEN. Congressman O'Konski.

Mr. O'KONSKI. I have a question.

At no time during the Nurnberg trials when the Katyn matter came up were the Polish people or the Polish Government-in-exile consulted, were they?

Dr. KEMPNER. I don't know; I never met them.

Mr. O'KONSKI. There was a Polish white book that was published, and it was presented to the American delegation at the Nurnberg trials, the French, and the English. Now, under the rules of procedure, there was no way in which the Americans could have presented that document because it was a Russian case, was it not?

Mr. KEMPNER. Yes; that is correct.

Mr. O'KONSKI. You didn't, at any time, see the Polish white book that was gotten out, establishing what they thought as to who was guilty for the masacre at Katyn?

Dr. KEMPNER. No; I have never seen any white book.

Mr. DONDERO. One question more.

Did you have before you, as assistant prosecutor, a book consisting of some 400 pages entitled, "Facts and Documents Concerning Polish Prisoners of War Captured by the USSR in the 1939 Campaign"?

Dr. KEMPNER. I have never seen it.

Mr. FLOOD. Before we recess for 5 minutes, if anybody here is interested, we may decide to call Dr. Stahmer immediately, instead of tomorrow morning, if the Doctor will be available, but that is not certain. We will know in about 5 minutes.

Chairman MADDEN. I wish to make an announcement.

Congressman Machrowicz and myself, on account of a previous commitment, will be away from the committee for an interval, and Congressman Flood will take over as chairman.

We wish to thank you, Dr. Kempner, for coming here and testifying, and we appreciate your testimony very much.

Dr. KEMPNER. Thank you.

(Whereupon a recess was taken.)

AFTER RECESS

Mr. FLOOD. The hearing will be in order.

Dr. Stahmer.

**TESTIMONY OF DR. OTTO STAHLER (THROUGH THE INTERPRETER,
MR. VON HAHN)**

Mr. FLOOD. Do you object to being photographed?

Dr. STAHLER. No.

Mr. FLOOD. Please be seated, Doctor, and give the stenographer your name.

Dr. STAHLER. Dr. Otto Stahmer, attorney at law with the Oberlandesgericht, Kiel.

Mr. FLOOD. Doctor, we will have read to you a statement which will then be translated into German.

Mr. MITCHELL. Before you testify it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony. Do you understand?

Dr. STAHLER. Yes, I do.

Mr. FLOOD. Will you stand and be sworn, please?

Do you swear by God Almighty that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. STAHLER. I swear, so help me God.

Mr. FLOOD. What is your name?

Dr. STAHLER. Otto Stahmer.

Mr. FLOOD. You are a member of the German bar?

Dr. STAHLER. Yes, I am.

Mr. FLOOD. For how long have you been engaged in the practice of law in Germany?

Dr. STAHLER. Since March 1907, with the Oberlandesgericht, Kiel.

Mr. FLOOD. Have you ever been identified with a German bar association or confederation of lawyers?

Dr. STAHLER. No, immediately after having finished my training I became an attorney at law.

Mr. FLOOD. Were you ever an official of the German Bar Association or an association of German lawyers?

Dr. STAHLER. After 1945 I was appointed by the British Occupation Power to the Bar Association in Schleswig-Holstein. In October 1945, I was elected to the chairmanship, and later on became the president of the Bar Association, and left it again in 1947, owing to pressure of work.

Mr. FLOOD. Now, I direct your attention, doctor, to the Nuremberg trials and ask you whether or not you were ever identified with those proceedings?

Dr. STAHLER. I was defense counsel for the former Reichsmarshal Goering at the war crimes trials at Nuremberg.

Mr. FLOOD. Will you tell us in what way you came to be identified with the defense of Goering?

Dr. STAHLER. Yes, I can.

The various bar associations called for attorneys who would be prepared to act as defense counsel in Nuremberg, prior to the opening

of the trial. The Oberlandesgericht president of Kiel, in Schleswig-Holstein, made a list of the men willing to act as defense counsel. Five names were suggested, and I was one of them. This list was forwarded to Nuremberg and, from all the lists collected from the various districts, an ultimate list, or an accumulated list, was established. This list was submitted to the accused, and they were authorized to select defense counsel from this list. Goering selected me from the list, and he told me later that I had been recommended to him by the Reichsgerichtent-fuehrer; that was the leader of the Reich legal men, Frank.

Before that I had no contacts with Goering.

MR. FLOOD. Now, doctor, we are concerned with that part of the Goering indictment or the Nuremberg proceedings that have to do only with the Katyn massacre. I am sure you are entirely capable of presenting that story to us without my interrupting with questions. I will try not to, unless there is some particular thing that we happen to think of.

Therefore, will you take us from the beginning to the end of that part of the Nuremberg proceedings that had to do with Katyn?

DR. STAHLER. As Dr. Kempner pointed out, quite correctly, the charge in Nuremberg contained a short sentence, running as follows: "In the Katyn forest 11,000 Polish officers were murdered in September 1941."

MR. FLOOD. May I interrupt, for the record, and read you the exact language, so you may begin? I quote from the statement of Dr. Stahlmer on page 274 of the International Military Tribunal Trial of the Major War Criminals, volume 17: "In September 1941, 11,000 Polish officers, prisoners of war, were killed in the Katyn woods near Smolensk."

DR. STAHLER. Yes, that is correct. As it was, here, a question of prisoners of war, it could safely be assumed that the crime could only have been perpetrated by German troops. I discussed this matter with Goering and asked him whether the German Army could possibly have had anything to do with this matter. Goering declared to me, being his defense counsel, that he could state with a clean conscience that the German Army was not responsible for this crime. I thereupon told him that in that case it was our duty to deal with this matter in detail for the sake of the honor of the German Wehrmacht.

I suggested that I would take up this matter in connection with his, Goering's, own case, being defense counsel for Goering, and in view of the fact that Goering was the highest ranking officer in the German Army there. Goering agreed, and thus I engaged in this matter.

MR. FLOOD. Now, may I interrupt for the procedural problem again?

As I understand it, the Katyn charge brought by the Russians was not brought against any specific defendant.

DR. STAHLER. No. That is correct. The accusation did not contain any more than the sentence which was read out a few minutes ago, and I could only get a little further in this matter when, as Dr. Kempner correctly pointed out previously, the Russians submitted the document U. S. S. R. 54 on April 14, 1946.

I established the following facts from this document:

A construction battalion of engineers with the number 537 was mentioned in this accusation. The document also mentioned that this battalion was under the command of a certain Colonel Arnes. The document also mentioned the names of three officers: First Lieutenant Rex, First Lieutenant Holdt, and Lt. Graf Berg.

I got hold of these three names and established and proved that they could not possibly have perpetrated the crime. The news of this evidence was published over the radio. It was also heard by Lieutenant Arnes, who actually was Colonel Ahrens.

A few days after that Colonel Ahrens came to see me and offered to testify as a witness, and with his assistance I succeeded in bringing some more light into the matter. In the meantime, a 1st lieutenant von Eichborn had also reported to me, and these two gentlemen also brought me into contact with General Oberhaeuser.

The situation now developed as follows:

Colonel Ahrens stated that he had arrived in the area of Katyn in November 1941 and had taken command of Signal Regiment 537. The former designation of Engineer's Construction Battalion was incorrect; it was actually Signal Regiment No. 537. I learned from him, too, that immediately upon the occupation of Smolensk, in July of 1941, a small advance unit had been in that area near Katyn, and at the beginning of August of the same year the regimental staff headquarters had been established in the Dnieper Castle. The commander of the regiment and in that regimental staff at that time was Colonel Bedenk, who, as I said before, was succeeded by Colonel Ahrens in November 1941.

That, in brief, was the material which I had at my disposal for proving my case. My aim was to prove to the Nuremberg Tribunal that the German Wehrmacht was not responsible for this crime. The Russians were not accused, and therefore I had neither the task nor the duty to clear up the matter.

At first the court allowed me to call the five witnesses which I had named before. It was then suggested that in view of the fact that the case was a comparatively simple one, the number of witnesses should be reduced to three. The selection of the witnesses was left to the defense counsel or to the prosecution.

In this connection I should like to mention the following incident. One day the secretary general of the court telephoned me and asked whether I was prepared to discuss the Katyn matter with the Russian prosecution. I said that I was prepared to do so, but requested in view of the fact that although it did not concern all the defense counsel it still did concern a large number of them, I requested Professor Exner, who was a defense counsel for General Jodl, to accompany me. The two of us met Colonel Prochownik. Colonel Prochownik pointed out that a few days before the chairman, Lord Lawrence, had requested that the proceedings be made shorter if possible. He was of the opinion that we could shorten the proceedings by not hearing the witness, or by submitting affidavits instead of having the witnesses testify, with the request that the court should take official knowledge of these affidavits.

I refused this suggestion, and Professor Exner did likewise, for the result of such an action would have been that the documents would have been submitted without the public getting to know anything about their contents.

I gave my response for refusing by pointing out that the Russian prosecution had accused the German Wehrmacht publicly of having murdered eleven thousand prisoners of war, and for the sake of the honor of the German Wehrmacht I thought it imperative that the public should be informed in the same way, that this accusation was without foundation.

This suggestion of mine was rejected. Colonel Prochownik said that such a procedure would again take a much longer time. I had declared that, provided the other German defense counsel would agree, I would agree to have affidavits submitted, but only on condition that they should be read out during the proceedings. I forgot to mention that previously. That was for the reason that it would take more time again, and that the Lord Justice's wishes would not be fulfilled that way, of shortening the proceedings.

A further suggestion of mine, to limit the proceedings to a certain time, was also rejected. This was the contents of our discussion, which was also mentioned by Dr. Kempner, although I do not believe that Dr. Kempner had knowledge of what was said during those discussions.

The chairman then declared that, in view of the fact that no agreement had been reached, the suggestion that both sides should only call three witnesses each should be adhered to.

My witnesses were Colonel Ahrens, General Oberhaeuser, and First Lieutenant von Eichborn.

The Russians proposed the former Buergermeister of Smolensk, who was Buergermeister while Smolensk was occupied by the Germans. I forget the name at present, but it is in the documents, in the protocol. Then, a Bulgarian professor, Dr. Markov. Professor Markov had been a member of the commission which had gone to Smolensk and Katyn, on the instigation of the Germans, and had given expert evidence on the probable time, gathered from the state of the decayed bodies, or the condition of the dead bodies, when the crime had been promulgated.

The evidence and the results of this investigation were laid down in the German official white book. Professor Markov had, by then, been captured by the Russians, and that was how he got to Nuremberg as a witness. I cannot say exactly whether he was still a prisoner at that time.

The third witness produced by the Russians was a professor of anatomy who had been working there in Smolensk after the Germans had evacuated. The Russians, after Smolensk and Katyn had been evacuated by the Germans, had hauled a commission of physicians, which had to work on the same lines as the previous commissions under the Germans had been working. This Russian commission arrived at a different result, to the effect that the murder had been committed in September 1941, that is, at the time when the area was already under German occupation.

As I established by cross-examining during the proceedings, this Russian commission consisted exclusively of Russian physicians, no neutrals or members of the Allied nations taking part in it. The result was as laid down by me in my arguments. From the testimony of the witnesses Ahrens, Oberhaeuser, and von Eichborn, I had my opinion proved clearly that the crime could not possibly have been perpetrated by the German Wehrmacht.

It was already stated that the Russians, in their final argument, which took place after the arguments of the Germans had been given, did not refer to the Katyn case with a single word.

That was generally how this case was handled in Nuremberg.

Mr. FLOOD. Did the tribunal, in its findings, refer to the Katyn matter?

Dr. STAHLER. No.

Mr. FLOOD. Do you know of any reason, as a matter of fact, that they did not?

Dr. STAHLER. No; of course, I do not know them.

We must, however, not forget that a large number of crimes were put to the debit of the Germans which were also not dealt with in the finals, even if they were not dealt with in such detail.

Mr. FLOOD. Were you satisfied, as far as you were concerned, that the tribunal did not mention the Katyn matter one way or the other?

Dr. STAHLER. Yes; it is so.

Mr. FLOOD. As counsel for the defense and defending an indictment, you were satisfied that the whole matter was dropped, as far as that detail was concerned; is that right?

Dr. STAHLER. It had been dropped because the Russians had simply not referred to it any more. But it was not so, either, as it should have been in accordance with German law, that the accusation had also been dropped.

Mr. FLOOD. This conference that you spoke about, at which the submission of affidavits was discussed with the Russians, that conference, as I understand it, was called at the request of the Russians.

Dr. STAHLER. Yes. General Mitchell had actually asked me whether I would be prepared to confer with the Russians so as to shorten the proceedings. I was of the opinion that the Russian prosecution had approached General Mitchell with a request to arrange such a conference.

Mr. FLOOD. The Americans did not take part in that conference, did they?

Dr. STAHLER. No. The only ones were the Russian, myself, and Professor EXNER.

Mr. FLOOD. And during your entire handling of the Katyn matter with the Russians, the matter was handled only between you and the Russians and the court; is that correct?

Dr. STAHLER. Yes, that is so.

Mr. FLOOD. Your three witnesses for the German side were presented in open court and the testimony was fully developed?

Dr. STAHLER. Yes; that is correct.

Mr. FLOOD. Were you satisfied with the presentation of your case and did you consider that you had an ample opportunity to present the German side?

Dr. STAHLER. Yes. It was like that, that there was one gap for me. That was a gap of time between July and November 1941, before Colonel Ahrens took over the command of the regiment. But the reason for that was that I did not know the address of First Lieutenant Hodt and, as far as I recollect, was also unable to contact Colonel Bedenk.

Mr. FLOOD. And the Russians had an opportunity to present the same number of witnesses, that is, three, that the German side did?

Dr. STAHLER. Yes. The court had distributed the witnesses on an equal basis.

Mr. FLOOD. And the Russians did present their three witnesses?

Dr. STAHLER. Yes, they did so.

Mr. FLOOD. And the Russians had an opportunity to cross-examine the German witnesses?

Dr. STAHLER. They did have the opportunity, and they availed themselves of the opportunity.

Mr. FLOOD. And the Germans had the opportunity and availed themselves of the opportunity of cross-examining the Russian witnesses?

Dr. STAHLER. Yes. I did cross-examine the Russian witnesses. There was a certain restriction imposed on that, because some German defending counsels wanted to cross-examine the witnesses and were only allowed to do so in case their witnesses had actually been connected with a specific case.

Mr. FLOOD. And the eminent counsel for Goering made an eloquent and persuasive argument to the tribunal?

Dr. STAHLER. Yes, I did so.

Mr. FLOOD. With reference to the Katyn matter.

Dr. STAHLER. Yes.

Mr. FLOOD. And the Russians, in closing to the tribunal, never mentioned the Katyn matter?

Dr. STAHLER. That is correct; because they gave their final argument after me.

Mr. FLOOD. And the result was that you had, insofar as the Katyn indictment was concerned, a victory as against the Russian charge?

Dr. STAHLER. In my opinion, I had fulfilled my task of proving that the Germans were not the perpetrators of the crime.

Mr. FLOOD. You were not concerned with trying to find out who was?

Dr. STAHLER. I believe that the court would have objected to that, in view of the fact that the Russians were not the accused. We had this experience on several occasions, when we ventured to point out that the other side had also occasionally sinned, that it was immediately pointed out to us that the other side was not sitting on the bench of the accused.

Mr. FLOOD. And, of course, the doctor knows, as a distinguished trial lawyer, that when you are trying an indictment, in which A is indicted, you cannot convict B who was not indicted?

Dr. STAHLER. The Russians had not charged anyone else.

Mr. FLOOD. Doctor, when I arrived in Germany for this committee, I spoke to the German press at Bremen. I subsequently spoke to the German and international press at Bonn. Among other things, I stated that this committee felt that it had been charged by the American House of Representatives to find out whether or not any of the Americans participating in the Nurenberg trials, or anybody else, for that matter, were engaged in any conspiracy with the Russians or anybody else to drop or not to prosecute this Katyn indictment.

Dr. STAHLER. I think that impossible.

Mr. FLOOD. Will you state, then, whether or not, in your opinion, any of the Americans, as far as you know, were so engaged?

Dr. STAHLER. No. I could not even imagine how that could have been done, in view of the fact that I was not at all restricted or ham-

pered in my defense. The only thing I was actually interested in was to prove that the German Army and the German officers who had been accused were not guilty.

That I was successful in that respect is proved to me by the fact that the Russians never again leveled this accusation and left the officers which they had mentioned in their allegation out of it altogether later on. Otherwise, the Russians were very prolific in accusing everybody and anybody. In my opinion, the Russians would never have dropped the case and would have pursued it with all energy if there had only been a shadow of tagging the thing onto the Germans.

MR. FLOOD. As a matter of fact, in the early part of your statement, you told us that the Katyn case had been brought as a charge by the Russians.

DR. STAHLER. That is not quite correct. At first, in this document, the accusation was a general one. A more detailed description and explanation was added to it later on.

MR. FLOOD. That's exactly what I want to say and the additional documentation and additional detail consisted entirely of a document which was the official report of the Extraordinary State Commission which was officially authorized by the Russians to investigate the Katyn case; isn't that it?

DR. STAHLER. Yes; that is correct. The Russians said, as already pointed out by Dr. Kempner, that they had another 120 witnesses, but they did not produce an eyewitness.

MR. FLOOD. As a matter of fact, as a practical trial lawyer, what really happened was that the Russians were pretty good trial lawyers themselves in that case, they had pretty good lawyers there, didn't they?

DR. STAHLER. I should rather say that they were slightly unlucky in their choice of witnesses.

MR. FLOOD. As a matter of fact, as good lawyers, the Russian prosecution knew they had no case on the Katyn indictment, and that's why they dropped the whole matter; isn't it?

DR. STAHLER. I do not know that.

MR. FLOOD. Any other questions?

MR. DONDERO. Congressman Flood has stated on the record what he understands to be the purpose of this committee. The resolution passed by the House of Representatives of the United States Congress is the best evidence of our authority here in Europe, and that resolution authorizes this committee to collect the evidence, make an investigation of the Katyn massacre, and report back to the Congress of the United States. Justice delayed is justice denied, and had the court at Nuremberg disposed of this case, we would not be here today.

MR. FLOOD. Mr. O'Konski.

MR. O'KONSKI. Doctor, do I understand that the indictment on Katyn was part of a general indictment?

DR. STAHLER. Yes; that is correct.

MR. O'KONSKI. Could the Russian prosecution, under the procedure under which you were operating, have asked that that part of the indictment regarding Katyn be dismissed?

DR. STAHLER. No; I do not think so.

Mr. O'KONSKI. Could the defense have asked that that part of the indictment pertaining to Katyn be dropped from the general charge?

Dr. STAHLER. No; not that either.

Mr. O'KONSKI. After these three witnesses were called on each side and you gave your closing argument, did the Russians ask that the charge be dismissed?

Dr. STAHLER. No; they did not.

Mr. O'KONSKI. Now, when the decision was handed down by the Tribunal, that is, the court at Nuremberg, was the decision based on the entire indictment or did they leave some parts of the indictment out in their findings?

Dr. STAHLER. The entire indictment.

Mr. O'KONSKI. Is it reasonably safe to assume then that the Russians assumed that the world would assume that, since it was a part of the indictment, and since it was not stricken from the indictment, and the decision was handed down on the whole indictment, was it possible for the Russians to assume that the world would think that that was one of the crimes of which the Germans were guilty?

Dr. STAHLER. I do not know what to reply to that question.

Mr. O'KONSKI. It would seem to me, as an observer, not being schooled in law, that if the general indictment contained a clause indicating the crimes at Katyn, and if that part of the indictment was never dropped, and a decision was handed down on the entire indictment, that I, as a layman, would draw the conclusion that the Germans were guilty and that was one of the crimes for which they were convicted.

Mr. DONDERO. Well, Dr. Stahlmer, no decision was ever reached by the court.

Dr. STAHLER. No, it was never reached.

Mr. O'KONSKI. That's all.

Mr. FLOOD. Is there anything further you would care to say, Doctor?

Dr. STAHLER. No.

Mr. FLOOD. I can say that the committee appreciates very much the time and the patience you have taken in coming to us and helping us with your testimony. Thank you very much.

You might like to know that for tomorrow morning the witnesses, I am advised, will be a Herr Genshow, president of the Genshow Ammunition Co., which was the company that manufactured the ammunition found in the graves at Katyn.

The second witness is a Mr. Christer Jaederlunt, a distinguished Swedish newspaperman who was a member of the international commission of journalists that visited Katyn.

The third witness is a Mr. Rudi Kramer, who is listed as a staff director of Frankfurt, Germany, and who was identified with one of the propaganda units at Smolensk.

We will recess and adjourn until 10 o'clock tomorrow morning.

(Whereupon, at 6:10 p. m., a recess was taken until 10 a. m. Friday, April 25, 1952.)

THE KATYN FOREST MASSACRE

FRIDAY, APRIL 25, 1952

HOUSE OF REPRESENTATIVES,
THE SELECT COMMITTEE ON THE KATYN FOREST MASSACRE,
Frankfurt on Main, Germany.

The committee met at 10 a. m., pursuant to recess, in the main courtroom, Resident Officer's Building, 45 Brockenheimer Anlage, Hon. Daniel J. Flood, presiding.

Present: Messrs. Flood, Dondero, and O'Konski.

Also present: John J. Mitchell, chief counsel to the select committee.

Present also: Eckhardt von Hahn, interpreter.

(The proceedings and testimony were translated into the German language.)

Mr. FLOOD. The committee will be in order.

The first witness?

Mr. MITCHELL. Mr. Jaederlunt, please.

TESTIMONY OF CHRISTER JAEDERLUNT (THROUGH GERMAN INTERPRETER ECKHART VON HAHN)

Mr. FLOOD. Do you have any objection to be photographed?

Mr. JAEDERLUNT. No.

Mr. FLOOD. You understand English, of course?

Mr. JAEDERLUNT. I would prefer to speak German.

Mr. FLOOD. Give your name and the correct spelling of it, your occupation, and address to the stenographer.

Mr. JAEDERLUNT. Christer Jaederlunt, Hamburg Ochsenwerder 2, Norderdeich 178.

Mr. FLOOD. Mr. Jaederlunt, we will read you an admonition about testifying first.

Mr. MITCHELL. Before you testify, it is our wish to invite your attention to the fact that, under German law, you will not be liable for slander or libel, either in civil or criminal proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Mr. FLOOD. Do you understand the admonition?

Mr. JAEDERLUNT. Yes.

Mr. FLOOD. Will you stand and be sworn, please?

Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JAEDERLUNT. I swear, so help me God.

Mr. FLOOD. What is your full name?

Mrs. JAEDERLUNT. Christer Waldemar Oskar Jaederhunt.

Mr. FLOOD. What is your occupation at the present time?

Mr. JAEDERLUNT. Journalist and representative of the Swedish newspaper, the Stockholm Tidningen.

Mr. FLOOD. Where were you born?

Mr. JAEDERLUNT. Viby, Sweden.

Mr. FLOOD. Are you still a native of Sweden, a Swedish citizen?

Mr. JAEDERLUNT. Yes; I am.

Mr. FLOOD. When did you first come to Germany, representing your paper?

Mr. JAEDERLUNT. 1928.

Mr. FLOOD. What is the name of the paper?

Mr. JAEDERLUNT. The Stockholm Tidningen.

Mr. FLOOD. Did you represent that paper in April 1943?

Mr. JAEDERLUNT. Yes; I did.

Mr. FLOOD. The stenographer will mark for identification these documents as exhibits 82 and 83.

(The documents referred to were marked for identification as Frankfurt exhibits 82 and 83, and follows:)

Mr. FLOOD. I now show you documents marked for identification as exhibits 82 and 83 which are photostat reproductions of articles from the paper you say you represented in 1943. Are they? Is that correct?

Mr. JAEDERLUNT. That is correct.

Mr. FLOOD. You wrote the stories that are reproduced in those papers?

Mr. JAEDERLUNT. Yes; I did.

Mr. FLOOD. What is the date of the paper and the title of the story dealing with Katyn?

Mr. JAEDERLUNT. The date of the newspaper is Sunday, April 18, 1943, and the article was written on the previous day. "Berlin welcomes the corps of the Polish Red Cross about the Katyn case."

Mr. FLOOD. Were you in Berlin on that day?

Mr. JAEDERLUNT. Yes; I was.

Mr. FLOOD. That information came to you as a result of your investigations as a Swedish newspaperman in Berlin on that day?

Mr. JAEDERLUNT. Does the question apply to the heading of the article or to the contents?

Mr. FLOOD. The whole story.

Mr. JAEDERLUNT. The heading is from official information on which I received. The contents of the article are based on my personal experiences and investigations in Katyn.

Mr. FLOOD. What was the attitude of the then German Government toward the request of the London Polish Government to the International Red Cross to intervene in the Katyn matter?

Mr. JAEDERLUNT. The then German Government welcomed this request.

Mr. FLOOD. Do you know whether or not the then German Government made a request of a similar nature to the International Red Cross?

Mr. JAEDERLUNT. Yes; the then German Government also submitted a request to the International Red Cross.

Mr. FLOOD. Do you know whether or not the International Red Cross replied to the requests of the London Polish Government and the then German Government?

Mr. JAEDERLUNT. From articles in the German press and from German authorities I heard that the International Red Cross was unable to take part in the investigations because the Russians were not able to take part in them.

Mr. FLOOD. Did you go to Smolensk?

Mr. JAEDERLUNT. Yes; I did.

Mr. FLOOD. Now, suppose, in your own words, you just take us on your journey from the moment you left Berlin to Smolensk, describe to us what you saw at the graves at Katyn, and, in general, give us the details of the story that appeared under the byline in the Swedish paper from Berlin on April 17, 1943.

Mr. JAEDERLUNT. May I use some notes to refresh my memory?

Mr. FLOOD. Are those your own notes?

Mr. JAEDERLUNT. Yes; they are written by myself on my own typewriter.

Mr. FLOOD. There is no objection to the witness referring to notes made by himself for the purpose of refreshing his memory.

Mr. JAEDERLUNT. I belonged to the first group of journalists which went to Katyn after the discovery of the mass graves. This happened approximately in the second week of April 1943. I do not recollect the exact date, but it could be ascertained, if necessary. In the preceding weeks I had been to the so-called Atlantic defense wall on the French coast. On the day when I returned to Berlin from France, I received a telephone call and was asked whether I was prepared to go to Russia the next morning.

Mr. FLOOD. Telephone call from whom?

Mr. JAEDERLUNT. From the Ministry of Propaganda in Berlin.

Mr. FLOOD. The German Ministry?

Mr. JAEDERLUNT. Yes, the German Ministry of Propaganda.

The reason for the journey to Russia was not disclosed, and the head of this expedition was, as far as I recollect, a German officer from the German supreme command. Not before we arrived in Smolensk the next night did the officer who accompanied us give us the reason for this journey, to be the effect that mass graves had been found. Whereupon, we journalists looked at each other with long faces and all agreed that if we had known that beforehand we would never have gone there.

Mr. FLOOD. When you speak of journalists, who do you mean? Do you recall some of them, their papers, their nationalities?

Mr. JAEDERLUNT. I have been trying to recollect the names of the others and who they were, but I can only remember one of them, a journalist from Yugoslavia by the name of Milan Micasinovitch, and I remember him better than the others because he was able to speak Russian and, thus, he was rather helpful to all of us.

Mr. FLOOD. Were there other journalists from various countries?

Mr. JAEDERLUNT. Yes, they had been selected from neutral countries.

Mr. FLOOD. About how many?

Mr. JAEDERLUNT. Approximately 5 or 6. I do not recollect the exact number.

Mr. FLOOD. Very well.

Mr. JAEDERLUNT. The next day we were taken by car to Krasny-Bor and to the forest and were shown the mass graves. In a large pit, we saw dead bodies, clad in uniforms, lying in several layers. They were sticking together like leaves. Certain dead bodies were taken out of the pit in our presence and examined. They were in a good state of preservation, probably owing to the nature of the soil—so to speak, half-mummified.

Professor Buhtz, director of the Criminological Institute and Institute for Judicial Medicine in Breslau was in charge of the exhumations. He requested us to select the dead bodies we wished to see personally and those that we wanted to see ourselves. We did so, and I was able to establish that the dead bodies had not been touched before or perhaps brought there from some place else.

The young Russians working in the pit had trouble in getting the dead bodies out because they stuck together so tightly. It happened at times that they only managed to extract a head alone.

The documents and papers found in the pockets of the clothes of the dead bodies were also well preserved. Only part of them showed traces of decay.

Mr. FLOOD. Do I understand that when these Russian workers were removing the bodies that in some cases the bodies came apart when they were trying to pull them out?

Mr. JAEDERLUNT. No. I said that now and again a head came off of the bodies, because they were sticking so closely. Many bodies just formed big lumps.

I read through a great number of letters, documents, pay books, diaries, and so forth, and I could also make out that many of these papers carried stamps of a Russian prisoner-of-war camp, and that no entry in diaries or pocketbooks bore a later date than April 20, 1940. I also established that the dead bodies I saw all came from the prisoner-of-war camp Kozielsk.

The dead bodies were lying in the grave in tightly packed layers. Many of them had their hands tied behind their backs and their mouths were filled with sawdust and they all showed the typical shots in the neck, and it was quite easy to gather an idea of how these mass executions had taken place.

Mr. FLOOD. We are interested in this business of sawdust in the mouths. Did you see any of the skulls or the open mouths of bodies with sawdust in them yourself? Did you actually see that?

Mr. JAEDERLUNT. Yes; there was a great number of dead bodies which had been taken out where I saw this sawdust. Some of the dead bodies had already been taken out the previous day, but we also selected a large number of dead bodies in the pits and had them taken out.

Mr. FLOOD. Now, on those bodies that you yourself selected and had removed from the pit in your presence, did you see unmistakable evidence of sawdust in the mouths of any of those bodies?

Mr. JAEDERLUNT. At least in once instance.

Mr. FLOOD. Did that body have the hands tied behind the back?

Mr. JAEDERLUNT. I do not recollect whether this particular body had its hands tied behind its back, but, in several cases, I recollect bodies which had sawdust in their mouths and the hands tied behind their backs, as we presumed, for the reason that they had been resisting prior to being shot.

Mr. FLOOD. The purpose for our interest is that this committee heard testimony taken in Washington by an eyewitness to this shooting who claims that he saw officers with their hands tied behind their backs, and NKVD soldiers or officers forcing open their mouths and forcing sawdust into the mouths and pushing them into the graves.

Did you notice any bodies with the hands tied behind their backs that may have been tied with wire?

Mr. JAEDERLUNT. What kind of wire?

Mr. FLOOD. Any kind of wire.

Mr. JAEDERLUNT. Yes; several dead bodies were pointed out to us whose hands were tied with wire.

Mr. FLOOD. On the other bodies with their hands tied behind their backs, what was used to tie the hands in some of the other cases?

Mr. JAEDERLUNT. Ordinary hemp rope.

Mr. FLOOD. Will you demonstrate on the interpreter two things: First, how the hands were tied behind the back, and, secondly, the point of entry and the point of exit, as you remember, of any bullet wounds you saw in the skulls?

Mr. JAEDERLUNT. It is rather difficult for me because I am a layman and not a physician.

Mr. FLOOD. All I want you to do is point how, if you remember, where in the back of the head the bullet went in and, if he remembers, where it came out.

Just show on the back of the head of the interpreter where you remember the bullet entered.

Mr. JAEDERLUNT. Here [indicating].

Mr. FLOOD. And where it came out—in the front some place?

Mr. JAEDERLUNT. I do not recollect.

Mr. FLOOD. Will you indicate how the hands were tied behind the back?

Mr. JAEDERLUNT. I do not quite recollect where they were lower down or higher up [indicating].

Mr. FLOOD. Where did you see these documents that you described?

Mr. JAEDERLUNT. Part of them was located in a wooden barracks that had been erected near the graves, where the documents of the previous day had been collected, and part of the documents came from the pockets of the clothes of the dead bodies which we had taken out of the pits.

Mr. FLOOD. You had seen these documents of various kinds removed from the bodies you selected, and the documents were removed in your presence?

Mr. JAEDERLUNT. Yes, I did.

Mr. FLOOD. And it was from those documents that you concluded the latest date was April 1940?

Mr. JAEDERLUNT. Yes; that is correct.

Mr. FLOOD. That wasn't from a lot of documents the Germans handed to you from some place else?

Mr. JAEDERLUNT. No. We were the first, actually, to see these documents, immediately after they had been taken out of the pockets of the bodies.

Mr. FLOOD. What story did you hear, and from whom did you get it, as to how the Germans first discovered the graves?

Mr. JAEDERLUNT. I was told the story as follows: Two Poles had been walking past this forest of Katyn—

Mr. FLOOD (interposing). Who told you the story?

Mr. JAEDERLUNT. I do not recollect, but I recollect that we questioned a few Russians later on and they confirmed it to us. We had the opportunity of staying in Smolensk and Katyn for several days because, at that time, no plane was available to take us back at once.

Mr. FLOOD. Were these Russians you talked to Russians from the area of Katyn and Smolensk?

Mr. JAEDERLUNT. Yes; that is so, and one of them related to us as I shall say now: Two Poles were walking along there in that area and, as the Poles usually did, asked the local people about other Poles.

Mr. FLOOD. What were Poles doing wandering around that area then?

Mr. JAEDERLUNT. Probably some workers enlisted by the Germans. So, one of these Poles asked one of the Russian inhabitants of that region whether he knew anything about Poles having been in this region, and the Russian said: "Yes, in Krasny-Bor, some Poles are buried." And one of the Poles took a spade and went to the spot that had been indicated to him by this Russian. He began digging

and discovered some dead bodies wearing Polish uniforms. He then closed up the hole again, secured two pieces of timber and made a rough cross over that and, as the Russian said, literally, he cursed and wept, and then he walked away. After this incident, I was told that it took quite some time before these rumors started spreading and getting to the ears of the Germans. Whereupon, the Germans decided to start digging in the area and to investigate this matter.

Mr. FLOOD. What were the uniforms on the bodies that you saw at Katyn, if you know?

Mr. JAEDERLUNT. Do you mean any distinct nationality?

Mr. FLOOD. Yes.

Mr. JAEDERLUNT. Polish.

Mr. FLOOD. How do you know?

Mr. JAEDERLUNT. I had been in Poland previously and knew Polish uniforms.

Mr. FLOOD. Did you see or hear of any female bodies being found in the graves at Katyn?

Mr. JAEDERLUNT. Personally, I did not see any, but I was told there that one or two had been dug up.

Mr. FLOOD. Did you hear whether or not one of the female bodies found at Katyn was in the uniform of a Polish aviatrix, female?

Mr. JAEDERLUNT. No, never.

Mr. FLOOD. Did you see or hear that the bodies of any chaplains or clergymen of various denominations were found in the graves at Katyn?

Mr. JAEDERLUNT. I do not recollect that, but I wish to point out that I was in Katyn at a very early date when not many bodies had yet been brought up from the pits.

Mr. FLOOD. About how many had been brought up?

Mr. JAEDERLUNT. I do not recollect the number. A fair number.

Mr. FLOOD. What was the day, if you recall, that you got to Katyn?

Mr. JAEDERLUNT. As far as I recollect, but I am not sure that I am right, it might have been around about the 10th of April. It is easy to get the exact date from the authorities, because it was the first commission of journalists that went there.

Mr. FLOOD. Now, the newspaper story that you printed in the Swedish paper was dated, I believe, the 17th of April.

Mr. JAEDERLUNT. The report bears the date of the 17th of April, but prior to that we had spent several days in Berlin and several days in Smolensk.

Mr. FLOOD. As a matter of fact, the newspaper article dated on the 17th of April 1943 describes your experiences at Smolensk and Katyn.

Mr. JAEDERLUNT. Yes, that is so.

Mr. FLOOD. And, in view of the fact that the official German announcement of the discovery of the graves at Katyn did not occur until the 15th of April, then you actually were there even before the official announcement was made?

Mr. JAEDERLUNT. Yes, that is so. That is quite correct, and I have the impression that the then German Government wanted one of us neutrals to see and confirm the matter before making it known to the public at large, but, as I was told by my newspaper a few days ago, the editors of my paper kept back my articles for some time in order to wait until the Germans would publish something about the matter themselves.

Mr. FLOOD. Did the Germans in any way interfere with your examinations or observations at Smolensk or Katyn?

Mr. JAEDERLUNT. No, on the contrary, and I am in a position to give you some more details about that.

Mr. FLOOD. Please.

Mr. JAEDERLUNT. I walked about the whole Katyn Forest by myself and without any escort, and owing to the fact that we were unable to get a plane from Berlin to go back for several days, we spent several days at Smolensk and went out for walks over the area, either alone or two or three of us, without any German escort, and the captain of the propaganda company in that area actually lent me a horse and I rode about in the whole area without ever being hampered or hindered by anyone. I came across a good many soldiers standing at guard duty at crossroads and other points, but whenever I addressed them and asked them to direct me, they merely answered in Russian: "I do not understand." They were Russians doing service in the German Army. The local population was distinctly friendly and we went into their houses on various occasions and they were always very friendly and invited us to share their meals and to share the little they had at that time, and among ourselves we talked and said: "Well, in view of the fact that we have this opportunity of moving around for ourselves, let's do it and find out as much as possible for ourselves." That was before we saw the graves and we were skeptical because we thought it was merely a propaganda story and we wanted to find out as much as possible for ourselves. The population was fairly open hearted in talking to us and one day I asked a Russian worker what he thought their future would be, and the worker said: "Well, what we think, I and my fellow countrymen here, is that there is practically no difference between the Bolsheviks and the Nazis and we don't like either of them." He also said that it was their hope that the Bolsheviks and the Nazis would finish each other in this war, and he concluded by saying that in the end, after the Bolsheviks and Nazis had been finished, they hoped that the British would come with lots of money and that the social democratic party would then be supreme in Russia.

I related this in order to show that the Russian population was not in any way against foreigners and talking to them, and they were not exactly afraid of talking to us. That was not my impression, if you approached them in the right manner.

Mr. FLOOD. In your conversations with any of the Russian natives of the area did you inquire of them or did they volunteer any information about any shootings in the Katyn area, cries and disturbances and, if they did, when did those things take place?

Mr. JAEDERLUNT. Such statements came about the first time when the Germans called for witnesses on the day we went to the graves. These witnesses were called in from their houses and one of them, who lived very close to the forest, stated that he had seen transports of prisoners of war being brought in about April 1940, and possibly, as far as I recollect, he might also have mentioned May 1940. He also stated that the local population at that time had been strictly forbidden to approach the forest, but he lived so near the forest that he couldn't help passing very near the forest occasionally, and he had actually heard shootings and screams and shouts and he never noticed any prisoners of war coming out of the forest again, and several of these local peasants told the same story and they were very eager in

telling it and did not give any impression of having been coerced or worked on in any way.

Mr. FLOOD. Did they mention anything about any GPU or any NKVD Russians in the area at the time these things took place?

Mr. JAEDERLUNT. Yes, they said the NKVD actually forbade the local population to go near the forest. They also stated that there was a house in this forest which was a recreational home of NKVD. They further stated that if they went to look for dead bodies in that forest, they would not only find these bodies of that specific time in 1940, but they would also find a number of bodies executed before the war and in former times.

I might add another incident: The Germans told me when I was there that only a few days after the exhumations had begun, a Russian plane appeared over the forest and kept on circling over it for a long time, evidently eager to see what the Germans were doing in that forest—an observation plane.

Mr. FLOOD. As a distinguished Swedish neutral newspaperman at that time, in view of the magnitude of this observation, this matter at the Katyn Forest, and in view of your personal observations there, would it have been possible for the Germans to have staged this whole thing as a propaganda show?

Mr. JAEDERLUNT. We actually went there with this suspicion. We didn't all trust Goebbels and thought it would be possible he would be capable of doing such a thing. So our idea when we went from Smolensk to Katyn the first time was: "Let's try and get as much news as possible about conditions here in Russia and should we find or see any dead bodies, we shall report that matter just on a back page, not as an important item, because our Swedish press at home is sure to say: 'Leave atrocity stories to Goebbels.'" But when I stood in front of the mass graves and when I realized what an atrocious crime had been perpetrated there, all my suspicions vanished and my own newspaper, at first, was not prepared to publish this report, but I insisted upon the report's being published because I said: "The world at large must know about this matter."

Mr. FLOOD. Did you then and now have an opinion as to who committed the murders at Katyn? We would like to have you express it, if you wish to. You don't have to, but if you wish to and have an opinion, will you tell us?

Mr. JAEDERLUNT. Then and now I was and I am absolutely convinced that the Russians committed it. I do not wish to say the Russians. I would rather amend it to the NKVD.

Mr. DONDERO. Did all of the bodies that you saw at Katyn have their hands tied behind them?

Mr. JAEDERLUNT. No; only single ones.

Mr. DONDERO. Did you see any more than one?

Mr. JAEDERLUNT. Yes; I saw several.

Mr. DONDERO. Were they tied with rope or wire?

Mr. JAEDERLUNT. Those, as far as I could see, were tied with rope.

Mr. DONDERO. What was the color of it?

Mr. JAEDERLUNT. I don't recollect.

Mr. DONDERO. Was it flat or round?

Mr. JAEDERLUNT. I must state that I went there as a journalist and not as a scientist.

Mr. DONDERO. That is all.

Mr. FLOOD. Mr. O'Konski?

Mr. O'Konski. No questions.

Mr. FLOOD. The committee realizes that as a newspaperman and a Swede there was no particular occasion for you to come here. You appeared voluntarily, and we appreciate the valuable evidence you have given us.

Thank you.

We will take a recess of 5 minutes.

(Whereupon a recess was taken.)

AFTER RECESS

Mr. FLOOD. The hearing will be in order.

We will call Mr. Kramer.

TESTIMONY OF RUDI KRAMER, 45 AM LINDENBAUM, FRANKFURT/ MAIN, GERMANY (THROUGH THE INTERPRETER, MR. VON HAHN)

Mr. FLOOD. Do you object to being photographed, Mr. Kramer?

Mr. KRAMER. I would rather not have it.

Mr. FLOOD. Then there will be no photographs of the witness.

Will you give your name and your present address to the stenographer, please?

Mr. KRAMER. Rudi Kramer, Frankfurt/Main, 45 am Lindenbaum.

Mr. FLOOD. Mr. Kramer, we will have read to you an admonition as a witness, that will be translated in German.

Mr. MITCHELL. Before you testify it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony so long as you tell the truth. At the same time, we wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as the result of your testimony.

Mr. FLOOD. Does the witness understand the admonition?

Mr. KRAMER. Yes; I do.

Mr. FLOOD. Will you rise, then, and be sworn, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KRAMER. I swear, so help me God.

Mr. FLOOD. What is your name?

Mr. KRAMER. Kramer.

Mr. FLOOD. What is your present occupation?

Mr. KRAMER. I am a director of the municipality, retired on pension.

Mr. FLOOD. What municipality?

Mr. KRAMER. I was in charge of the sports department in the town of Breslau.

Mr. FLOOD. Where are you now residing?

Mr. KRAMER. Here in Frankfurt.

Mr. FLOOD. Were you ever identified with the German armed forces?

Mr. KRAMER. Yes; I was.

Mr. FLOOD. Did you ever have occasion to serve on the Russian or Smolensk front?

Mr. KRAMER. Yes; I did.

Mr. FLOOD. Were the matters of the Katyn massacre ever brought to your attention while you were in that area?

Mr. KRAMER. I was present from the beginning to the end.

Mr. FLOOD. What was your rank, and what was the nature of your unit serving in the Smolensk area at the time of the discovery of the graves by the Germans?

Mr. KRAMER. I was Sonderfuehrer "Z"—that is the rank of lieutenant—with the propaganda detail W in Smolensk.

Mr. FLOOD. Who was the commanding officer of the propaganda unit at Smolensk when you served there?

Mr. KRAMER. My direct superior was Lieutenant Anschuetz, and the C. O. was Gans.

Mr. FLOOD. During your service in the Smolensk area did you ever have occasion to visit the Katyn Woods or the Dnieper Castle in that area generally before the graves were discovered?

Mr. KRAMER. Yes; I did.

Mr. FLOOD. Do you know where the Dnieper Castle was located?

Mr. KRAMER. Yes; I do.

Mr. FLOOD. Did you walk, at any time, in the woods within, say, a thousand meters all around the castle?

Mr. KRAMER. I did not get to the forest of Katyn before I had not heard from the local population of the existence of such graves.

Mr. FLOOD. Will you detail for us, as best you remember, the conversation you had with any Russian person of the area with reference to these graves in Katyn?

Mr. KRAMER. Yes, I can.

Mr. FLOOD. In your own words. Please proceed.

Mr. KRAMER. I was detailed to the propaganda detail W at the beginning of March 1943. Originally I had been detailed to this unit as a sports officer, with the task of interesting myself in sports activities of the military units, and also in connection with sports of the local population.

I was instructed by the propaganda unit to work among the Russian population, which was not anti-German at that time, to try and gain some influence on the Russian population and to foster pro-German feelings among them. We published a newspaper in the Russian language and also had theatrical groups come out to the area to present shows for the Russian population, and thus we established close contacts with the Russian population.

Behind the locality called Krasny Bor there was another place called Gniezdowo. I had to go to that place frequently on duty and had many conversations with the local people. On one of those occasions an old peasant, who was living right on the railroad line near the forest, told me that there were mass graves in the forest. He also said that there were several small crosses erected in the forest, and that the local population had the habit of going there on holidays and putting some flowers down near them.

Mr. FLOOD. Did he indicate when these graves had been made?

Mr. KRAMER. Yes, later. Later on I asked him, once, whether he could recollect when these graves had come into existence, and he said, "3 years ago."

Mr. FLOOD. What was the date of the conversation when he said that?

Mr. KRAMER. This conversation must have taken place about the middle or towards the end of March 1943, after we had transmitted the report of this peasant to the army group and had been instructed to investigate the matter.

Mr. FLOOD. Do you talk or understand Russian?

Mr. KRAMER. No, I always went out with an interpreter.

The peasant related that, 3 years before, large transports had arrived at Gniezdowo station and that the men had been taken out of the boxcars at the station. In his opinion these men in the trains were not Russians, but Polish soldiers. Some of them were put into trucks and taken to the forest; other had to march from the station to the forest.

Later on, some time later, I asked several of those peasants whether they recollected the approximate number of men who had been taken to the forest. They did not give any figure, but they said, "Very many, very many, and they kept on arriving for days and days," and not one of those that they had seen taken to the forest had ever returned from it.

After having reported the matter to higher quarters, and after we had been instructed to investigate, we went into the forest and found sort of a clearing in it, planted with small trees, and we actually discovered two primitive crosses and also some dried flowers lying about.

Mr. FLOOD. What do you mean by "primitive crosses"?

Mr. KRAMER. They were not carved in any way. Probably the people who had erected them had just cut off some wood and put it together.

Mr. FLOOD. Do you use the word "primitive" to mean "ancient", or do you use it to mean "rude and clumsy"?

Mr. KRAMER. I meant the second version, that they were made in a crude manner and that they also had been standing there for some time or other.

Mr. FLOOD. What were the crosses made out of?

Mr. KRAMER. I believe it was birchwood, but I am not quite certain about that.

Mr. FLOOD. Proceed, please.

Mr. KRAMER. Some small distance from the graves, approximately 200 or 300 meters, there was a house, a building, which was subsequently used by the Germans, which was called the Dnieper Castle.

I reported all that I had discovered to my unit, which, in its turn, transmitted the report to the army group. The army group then issued orders to start digging.

Mr. FLOOD. These trees that you referred to as small trees, were they on or around the grave where the crosses were?

Mr. KRAMER. There were no actual graves. The whole soil of the clearing was flat and uniform, no mounds of earth or anything and on this even clearing small trees were growing all over.

Mr. FLOOD. Will you indicate with your hand, witness, from the floor, as you best recollect today, about the height of those trees, the small trees?

Mr. KRAMER. About so high [indicating].

Mr. FLOOD. The witness indicates in the area of 2½ to 3 feet.

Mr. KRAMER. On the very first day when digging started I was not out there, but I came there on the second or third day, and they were busy digging in an area of approximately the size of this room. They were digging down in many spots, and whenever they dug down they came upon dead bodies. The area might have been considerably larger than this room. It is not quite easy to estimate the size.

The digging was done, then, in a systematic way. First of all, they dug down very deep so as to ascertain how far down the dead bodies reached into the ground, and then they opened up towards the sides.

The dead bodies were lying in the grave, sticking together in one solid mass. They were sort of mummified and dried out, probably for the lack of air which had not been able to get to the bodies, and that had caused a sort of mummification of the dead bodies. They were fully clad in uniforms, even with leather belts and everything that belonged to a uniform, and they all wore boots. Some of them had their hands tied behind their backs, but that was not uniform. We found some without their hands tied, and then there was one, again, with his hands tied, so it was diverse.

I wish to state that these statements I made during the last few minutes came from my observations and investigations over some longish time. I have just been giving a survey of my observations covering some longish period.

Mr. FLOOD. Yes.

Mr. KRAMER. In the meantime, Professor Buhtz, from Breslau, whom I had already known in Breslau because I had business with him there, had been put in charge of the exhumations, and because of the fact that I had known him before, I had quite a few good opportunities of seeing things and learning things which, in the ordinary course of my duties, I would perhaps never have learned.

All ranks were found in the graves among the dead bodies, ranging from generals down to assistant medical officers and cadets. Physicians were also found.

The dead bodies were all lying in layers, very close together, and it was established by and by that 12 layers of dead bodies were stacked on each other. We also established that all the men had been killed by shots in the neck, and we assumed that the execution took place in such a way that one row of men had to lie down at the bottom of the pit with their faces down and had then been shot. Then the next row of men had to lie down on top of the men who had just been shot, and were killed subsequently, and so on, one layer after the other. This assumption is based on the fact that we found several bodies with more than one bullet hole.

Several actions were coordinated there. First of all, we of the propaganda unit had been given the task to try and get international commissions to the graves so that they should investigate the thing. There were commissions—one international commission of medical experts; another commission consisted of foreign journalists; then there was also a commission of writers, authors, and artists, and also a commission of Western Allied Officers who were prisoners of war in Germany. I also recollect a large group of Polish clergymen who had been brought there, and then, subsequently, the relatives and next of kin of the murdered men started arriving from Poland. They kept on coming all the time, as soon as the identification of the dead bodies had begun.

Simultaneously, we carried on our investigations among the local population, so as to find out when these transports of prisoners had arrived in the area, and it was established from many statements that this happened in April 1940. This was further confirmed by the fact that all entries in diaries, pocket-books, etc., which we later found on the dead bodies, ended between April 16th and April 19th, 1940. The third proof was established by getting forestry experts to come to this forest and examine the small trees, and they all established that the trees had been in that spot for about 3 years.

The commissions that came to the graves were taken there by German officers. Once on the spot, they had full liberty to investigate on their own, to go about, to talk to the auxiliary volunteers who did the digging up, and also to talk to the local population. They were not hindered in any way; they could just do as they liked. Professor Buhtz also helped them in every way, and insofar as when these commissions were especially interested in special dead bodies, and pointed them out, they were immediately taken out of the pits and the members of the commission were allowed to designate special bodies which they wanted to have taken out, and that was always done at their request.

As the weather became warmer, gradually conditions became very unpleasant. There was a terrible smell, and millions of flies started collecting, so that it was imperative to rebury the bodies that had been taken out of the pits as quickly as possible.

Up to the day when the exhumations ceased because it was becoming too hot, I estimate that about 3,000 bodies had been taken out of the pits, of which 800 had, by then, been identified. From the situation and the measurements of the graves, we made an estimate that there would probably be between 8,000 and 10,000 bodies in the ground.

The population, in the course of all these investigations, became more talkative, and also pointed out to us that there were more graves in the vicinity. Upon investigating those graves it was found that they merely contained civilians who had probably come to death during the fighting. At any rate, no more soldiers or any uniformed persons were found in the surroundings.

On account of the great heat in the summer, the exhumations ceased approximately in July—it might have been a little earlier—and were to be restarted some time in September. However, my unit was transferred to Italy from Smolensk early in September, so I am unable to state whether the exhumations ever began again or not.

MR. FLOOD. You say you don't know whether the exhumations began again or not in September?

MR. KRAMER. No; I do not know that.

MR. FLOOD. Well, the military situation on the eastern front changed about that time, so that it was necessary for the Germans to withdraw. Do you remember hearing about that?

MR. KRAMER. Yes; that is correct. We heard in Italy, from some of our fellow soldiers who had remained in the Smolensk area, that when the Russians came back into that area they were very eager to get to the Katyn Forest as quickly as possible.

MR. FLOOD. That being the case, and since the graves were closed in the summer before the exhumations were completed, it is entirely possible that if the graves were opened in September, or subsequently

reopened, that additional missing Polish bodies might have been found?

Mr. KRAMER. Yes, that is correct. In my estimation we only succeeded in clearing about one-third of the area. Two-thirds was never touched by us because we didn't have time.

Mr. FLOOD. You have heard of the other two prison camps, besides Kozielsk, of Starobielsk and Ostoskov?

Mr. KRAMER. No, I have not.

Mr. FLOOD. Now, according to your theory as to how the executions took place, with the prisoners forced to lie down flat on their faces over the previously executed prisoners, you say that that indicated that bullet wounds, several bullet wounds, were found in other bodies. Well, how would that theory produce that conclusion?

Mr. KRAMER. It was merely on the top layers that we made the discovery that some of the dead bodies had more than one wound, because further down it was impossible, you could not expect any human being to actually climb down into the pits, because the stench was so terrible, the whole thing, that nobody could actually go down there, they could only be pulled out with hooks, or something like that. Therefore, we only noticed these several wounds in some bodies on the top layers.

We noticed in several cases—not in each one, but in quite a few cases—on the top layers of the dead bodies, that the bullet which had penetrated the skull of the top body had gone on in the same direction and hit the bodies underneath, not in the same place where the bullet had hit the first body, but the way of the bullet, or the course of the bullet, was lying in exactly the same direction, so that it was unmistakable that the bottom body had been hit by the same bullet. That was why we established this theory.

Mr. FLOOD. That is interesting, because there is medical testimony that certain bodies, some bodies, were found with more than one bullet wound, and that is an interesting observation to explain that.

Mr. Dondero?

Mr. DONDERO. Were you at the Katyn graves, Mr. Kramer, during April of that year?

Mr. KRAMER. Yes, I was.

Mr. DONDERO. What kind of weather do they have in that area?

Mr. KRAMER. Partly there was still snow and ice in the area.

Mr. DONDERO. Were all of the bodies buried with their faces down?

Mr. KRAMER. I did not see any body that was not buried with its face down.

Mr. DONDERO. Did you see any bodies with overcoats on?

Mr. KRAMER. Yes, I recollect one general; altogether two generals were found, and one general was still wearing a fur coat.

Mr. DONDERO. That is all.

Mr. FLOOD. Mr. O'Konski?

Mr. O'KONSKI. No questions.

Mr. FLOOD. We appreciate very much that you have come here and volunteered this testimony to the committee. It is important, and we thank you.

Mr. Skarginsky.

TESTIMONY OF MATVEY SKARGINSKY (THROUGH THE INTERPRETER, MR. VON HAHN)

Mr. FLOOD. Witness, do you object to being photographed?

Mr. SKARGINSKY. No, I do not object.

Mr. FLOOD. Will you please spell your full name?

Mr. SKARGINSKY. M-a-t-v-e-y S-k-a-r-g-i-n-s-k-y.

Mr. FLOOD. We will now have an admonition read to the witness.

Mr. MITCHELL. Before you testify it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as the result of your testimony.

Mr. FLOOD. Do you understand the admonition?

Mr. SKARGINSKY. Yes, I do.

Mr. FLOOD. Please rise and be sworn.

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SKARGINSKY. I do, so help me God.

Mr. FLOOD. What is your name?

Mr. SKARGINSKY. Skarginsky, Matvey.

Mr. FLOOD. What is your first name?

Mr. SKARGINSKY. Matvey.

Mr. FLOOD. Where were you born?

Mr. SKARGINSKY. In Elizavetgrad.

Mr. FLOOD. You are a Russian?

Mr. SKARGINSKY. Yes, I am.

Mr. FLOOD. Were you ever a member of the Russian armed forces?

Mr. SKARGINSKY. At the end of the Czarist Army, and later on a member of the White Russian Army.

Mr. FLOOD. Were you ever taken prisoner by the Germans?

Mr. SKARGINSKY. No, I was not.

Mr. FLOOD. In what way did you become identified with the German armed forces?

Mr. SKARGINSKY. I received a mobilization order in Berlin in October 1941, a mobilization order extending to non-German citizens.

Mr. FLOOD. Did you ever serve in the Smolensk area?

Mr. SKARGINSKY. Yes; on several occasions during the last war.

Mr. FLOOD. In what capacity did you serve with the Germans on the Smolensk front?

Mr. SKARGINSKY. At first, when Smolensk was occupied in 1941, with the motorized heavy artillery detachment No. 808.

Mr. FLOOD. Well, when did you first get to the city of Smolensk?

Mr. SKARGINSKY. I do not quite recollect, but it was at the end of July—it was at the end of July or at the beginning of August 1941.

Mr. FLOOD. Witness, will you raise your voice a little bit, please?

Mr. SKARGINSKY. Yes.

Mr. FLOOD. Just talk louder.

Mr. SKARGINSKY. Yes.

Mr. FLOOD. You said you were born in Russia and you were mobilized by the Germans in Berlin. How and under what circumstances did you get to Berlin?

Mr. SKARGINSKY. I lived in Yugoslavia up to May 1941, and after the occupation of Yugoslavia by the Germans the Labor Office sent me to Germany for work, and that is how I got to Berlin.

Mr. O'KONSKI. In other words, you served in the German armed forces not by choice but you were conscripted for that service, were you not?

Mr. SKARGINSKY. That is correct.

Mr. O'KONSKI. And you were serving against your will?

Mr. SKARGINSKY. I was conscripted. I did not volunteer. I was conscripted and mobilized.

Mr. O'KONSKI. Now, will you tell us briefly what you know about the Katyn massacre?

Mr. SKARGINSKY. Yes.

I was a member of this artillery unit which I mentioned up to October 1942. In October 1942 I was transferred to the staff headquarters of the Ninth Army. The staff headquarters of this army were located in Sitschewka, in the Smolensk area.

Mr. O'KONSKI. Then, as I understand it, you were employed by the German staff as an interpreter because of your knowledge of the Russian language; is that correct?

Mr. SKARGINSKY. That is correct.

Mr. O'KONSKI. Then in your job as interpreter, what assignment were you given by the German Staff regarding the Katyn massacre?

Mr. SKARGINSKY. When the staff headquarters were transferred to Smolensk in February 1943, then rumors started spreading that somewhere in the Smolensk area there were mass graves and that these mass graves were located near the former NKVD recreation home in the vicinity of Katyn. I thereupon was given orders to interrogate the local population living in the vicinity of Katyn.

I thereupon interrogated some 30 local peasants from three villages lying in that specific area. The name of the one village is Gniezdowo; the other two I do not recollect.

And I also interrogated three railroad officials who were already railroad officials under the Russians and remained railroad officials in German services after the occupation had taken place. There were several railroad officials who were employed right at the Gniezdowo Station.

The most interesting statement was given by one of those railroad employees, one of the officials. All the statements tallied in that respect, that early in the summer of 1940, freight trains started arriving at the railroad station, containing Polish prisoners. The trains used to arrive shortly before midnight on every occasion. The box-cars were locked from the outside. In the small cabins where the brakemen sit, as is usual in Europe, there were NKVD guards guarding the train. The trains arrived at the station without any official papers, so that it could not be ascertained from where they were coming.

Mr. O'KONSKI. Did the railroad station attendants tell you it was early spring of 1940 that these cars arrived?

Mr. SKARGINSKY. As far as I recollect, they told me that it was at the end of the spring or at the beginning of summer 1940.

Mr. O'KONSKI. Did they mention any specific months?

Mr. SKARGINSKY. I only recollect the year of 1940 and, as I said before, the end of the spring or beginning of summer.

The prisoners who were in the boxcars were taken out of those railroad cars and marched off to the forest of Katyn in marching order; it was four and four. Strict orders had been issued at that time that nobody was to approach the railroad line and the road leading from the station to the forest. All the railroad officials were also forbidden, those who were not right on duty at the station. Nobody was to approach the line or the road.

Mr. O'KONSKI. There is one thing I would like to check with you.

You testified a little earlier that you were conscripted in Berlin in October of 1941; then later you said you reached the Smolensk area in August 1941. Will you clear up those two dates? Evidently, you must have been confused.

Mr. SKARGINSKY. Yes, I made a mistake. I meant to say I had been mobilized in October 1941 and the first time I got to Smolensk was in November 1941, not in August; not in August but in November 1941.

Mr. O'KONSKI. You said that you interviewed about 30 natives and 3 depot agents. Did they all agree as to the time of the arrival of the Polish soldiers, and did they also agree that they were disposed of by the Russians at that time?

Mr. SKARGINSKY. The statements by all those various people differed only to a very slight extent. It was only a matter of a month or two. Some of the people stated that the prisoners had arrived in May; others said they had arrived in June. But all the statements taken together very much tallied with each other.

Mr. O'KONSKI. There was no native that you interviewed, or official that you interviewed, that said anything otherwise, to the contrary?

Mr. SKARGINSKY. It was like this: Very detailed statements came from those railroad officials, because they were actually on the spot and saw the Polish prisoners being taken out of the boxcars or being marched away, because they were on duty at the trains, at the station.

The peasants, however, were not allowed to come near the station or the forest and could only see things going on from afar. So they only said, "We saw some trains arriving and some people being taken out of the trains and some people being marched away." But they could not say whether they had been Polish prisoners or whatever they were because they were too far away and the area was cordoned off, so they could not get near the spot.

But nobody ever made a statement different to this one.

Mr. O'KONSKI. Did you, in your process of interviewing, ever get acquainted with a deputy mayor in Smolensk, by the name of Boris Basilevsky?

Mr. SKARGINSKY. Yes; I did. He was second acting buergermeister of Smolensk.

Mr. O'KONSKI. Did you have any conversations with him?

Mr. SKARGINSKY. I only talked to him very little because I hardly knew him, but I know that shortly before the Germans had to evacuate Smolensk, he crossed over to the Soviets.

Mr. O'KONSKI. You came here of your own accord to testify, did you not?

Mr. SKARGINSKY. Yes; quite of my own accord.

I want to mention that I knew well the first buergermeister of Smolensk, by the name of Boris Menschagin.

Mr. O'KONSKI. Did he express any opinion as to who committed the crime at Katyn?

Mr. SKARGINSKY. I knew Menschagin very well; he was actually a friend of mine. His opinion all the time was that the Polish officers had been murdered by the Soviets.

Mr. O'KONSKI. Do you know what has become of Menschagin since?

Mr. SKARGINSKY. Menschagin I saw in Berlin in 1944 and 1945, and at the end of May 1945, Menschagin was in Karlsbad—it was just across the Czech-Slovakian border—which was occupied by the Americans at that time. But then, all of a sudden, one night the Soviets occupied Karlsbad, and a few hours afterwards, Menschagin was taken away by the Soviets and was never seen again. His wife is at present in the United States, in New York, with the children.

Mr. FLOOD. We appreciate your coming here and we thank you for your testimony, Mr. Skarginsky.

Mr. SKARGINSKY. Thank you.

TESTIMONY OF KARL GENSCHOW, HACHENBURG, GERMANY (THROUGH INTERPRETER VON HAHN)

Mr. FLOOD. Mr. Genschow.

Do you object to being photographed?

Mr. GENSCHOW. I have no objection to being photographed.

Mr. FLOOD. Will you spell your name?

Mr. GENSCHOW. Karl G-e-n-s-c-h-o-w. Hachenburg.

Mr. FLOOD. We are about to read you an admonition that we read to all witnesses before they testify. It will be read in English and then translated into German.

Mr. MITCHELL. Before you testify, it is our wish to invite your attention to the fact that, under German law, you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as a result of your testimony.

Do you understand this statement?

Mr. GENSCHOW. Yes; I understand.

Mr. FLOOD. Will you rise and be sworn, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GENSCHOW. I do.

Mr. FLOOD. What is your full name?

Mr. GENSCHOW. Karl Genschow.

Mr. FLOOD. What is your business?

Mr. GENSCHOW. I was formerly president of the Gustav Genschow Co., and at present I am trustee of the same firm, which is under French supervision.

Mr. FLOOD. Will you spell the name of the company?

Mr. GENSCHOW. G-u-s-t-a-v Genschow & Co.

Mr. FLOOD. What is the business of that company?

Mr. GENSCHOW. Formerly the firm manufactured ammunition and weapons and exported these goods.

Mr. FLOOD. Where was the main office of this company?

Mr. GENSCHOW. In Berlin.

Mr. FLOOD. Where is the chief manufacturing plant?

Mr. GENSCHOW. The ammunition works were in Durlach, near Karlsruhe.

Mr. FLOOD. How long has the company been in business?

Mr. GENSCHOW. The factory has been in existence since 1887 and the ammunition works since 1906.

Mr. FLOOD. During that period of time, did the company ever manufacture pistol ammunition?

Mr. GENSCHOW. Yes.

Mr. FLOOD. Did it ever manufacture pistol ammunition of the caliber of 7.65?

Mr. GENSCHOW. Yes.

Mr. FLOOD. Is that a very common type of caliber for pistol ammunition?

Mr. GENSCHOW. It is a very common type.

Mr. FLOOD. What was the trade-mark of the pistol ammunition on that caliber?

Mr. GENSCHOW. The trade-mark was changed several times in the course of the years.

Mr. FLOOD. Will you give us some of the trade-mark names?

Mr. GENSCHOW. Yes. The cartridges of the shells of this pistol ammunition carried, since the year 1933-34, the word "Geco" on the bottom of the shell, and underneath the "Geco" was "7.65".

Mr. FLOOD. Can 7.65 ammunition of the type manufactured by this firm be used in various kinds and makes of pistols?

Mr. GENSCHOW. Yes, it could; because it was a standard type of cartridge which could be used in very many different makes of pistols.

Mr. FLOOD. Was it used internationally by various nations, police, or armed forces, in pistols?

Mr. GENSCHOW. Yes; certainly.

Mr. FLOOD. Did this firm ever export pistol ammunition of the caliber 7.65 to Eastern Europe?

Mr. GENSCHOW. Yes; that is the case.

Mr. FLOOD. Do you know what caliber of ammunition was used and what kind of pistol was used by the NKVD or the GPU from the year 1933 until the end of the war?

Mr. GENSCHOW. No; I do not know that also, because since 1928 we did not export large quantities of pistol ammunition to Soviet Russia.

Mr. FLOOD. Did you export any quantities of 7.65 pistol ammunition to Soviet Russia?

Mr. GENSCHOW. Yes; before 1928, somewhat larger amounts.

But I wish to point out that at that time the stamp on the bottom of the cartridge was different from the one I stated before, and after 1928 the quantities which were exported were small.

Mr. FLOOD. But there were some quantities shipped to Soviet Russia after 1928, of 7.65 ammunition bearing the "Geco" trade-mark?

Mr. GENSCHOW. Yes.

I wish to point out that the trade-mark which was used before 1933-34, when the latest trade-mark was introduced, also had the word "Geco" in it and "7.65." There was only the addition of two D's slightly underneath the right and left end of the word "Geco."

Mr. FLOOD. So that the trade-mark "Geco," regardless of the other details you are giving us, was on 7.65 ammunition shipped to Soviet Russia for some time?

Mr. GENSCHOW. Yes. Most probably, it may be that some deliveries took place in former years, before we put the word "Geco" on the bottom of the cartridges. There may have been some older deliveries many, many years ago, where it only stated "7.65" with a "D" underneath.

Mr. FLOOD. Can you keep 7.65 pistol ammunition for any length of time if it is properly cared for?

Mr. GENSCHOW. If you store it properly and if the cartridges remain in their original packings, you can safely store it for 10 to 20 years.

Mr. FLOOD. Did you ship any ammunition to other eastern European countries, other than Soviet Russia?

Mr. GENSCHOW. Yes; in particular, to the three Baltic States.

Mr. FLOOD. What do you mean by the three Baltic States?

Mr. GENSCHOW. Esthonia, Latvia and Lithuania.

Mr. FLOOD. Did you ever ship any 7.65 pistol ammunition to the three Baltic States?

Mr. GENSCHOW. Yes; I did export quantities which were considerably larger than those going to Soviet Russia, although not unduly large.

Mr. FLOOD. What do you consider a small shipment in the number of units?

Mr. GENSCHOW. We did not export more than two or three thousand rounds to Soviet Russia after 1928; but to the Baltic States, to my recollection, we exported approximately 50,000 rounds to each of the three.

Mr. FLOOD. Did you ever export any pistol ammunition to Poland?

Mr. GENSCHOW. We did not export any pistol ammunition to Poland during the time under review because conditions for such exports were not advantageous. We did, however, export shells and bullets separately to that country; which however, were marked differently so as to distinguish them from our original make which we used to export.

Mr. FLOOD. Did you ever export any 7.65 pistol ammunition to Poland from 1933 up to 1940?

Mr. GENSCHOW. I do not recollect. I do not think that we did it.

Mr. FLOOD. What about from 1923 to 1940?

Mr. GENSCHOW. It may be, but I do not recollect that because we had to stop our exports of ammunition to Poland all of a sudden owing to new customs regulations having come into force in Poland. But I do not recollect the year when that happened.

Mr. FLOOD. Of course, you know that "Geco" shells, cartridge shells, were found in the graves at Katyn, do you not?

Mr. GENSCHOW. Yes. I learned that after the German Wehrmacht had made its investigations in Katyn.

Mr. FLOOD. Was this matter ever brought to your attention by the then German authorities?

Mr. GENSCHOW. Not immediately. I only discussed this matter with the army high command and the weapons division. They requested me to submit extracts from our statistics on exports to foreign countries, which we had carried out. And only in the course of these negotiations with the high command did I learn that this type of bullet and shells had been found in the Katyn graves.

Mr. FLOOD. Did they inquire as to whether or not your firm exported 7.65 ammunition to any of the countries in the Baltic or Eastern Europe?

Mr. GENSCHOW. Yes; and we had to give accurate details of the quantities which had been exported to each single country and in what year.

Mr. FLOOD. Do you have any questions, Mr. Dondero?

Mr. DONDERO. No questions.

Mr. FLOOD. Mr. O'Konski?

Mr. O'KONSKI. No questions.

Mr. FLOOD. We appreciate your coming here, Herr Director, and thank you very much for the testimony you have given.

We will now adjourn until 10 o'clock tomorrow morning, at which time we will hear the scientist, Dr. Orsos, and the Swiss doctor, Naville.

(Whereupon, at 12 o'clock noon the committee recessed, to reconvene at 10 a. m. Saturday, April 26, 1952.)

THE KATYN FOREST MASSACRE

SATURDAY, APRIL 26, 1952

HOUSE OF REPRESENTATIVES, THE SELECT COMMITTEE TO INVESTIGATE THE *Frankfurt on Main, Germany.*

The committee met at 10 a. m., pursuant to recess, in the main courtroom, Resident Officer's Building, 45 Bockenheimer Anlage, Hon. Ray. J. Madden (chairman) presiding.

Present: Messrs. Madden, Flood, Machrowicz, Dondero, and O'Konski.

Also present: John J. Mitchell, chief counsel to the select committee, and Roman Pucinski, committee investigator and interpreter.

Present also: Eckhardt von Hahn and Hilda Duplitza, interpreters. (The proceedings and testimony were translated into the German language.)

Chairman MADDEN. Dr. Tramsen.

FURTHER STATEMENT OF DR. HELGE TRAMSEN

Mr. FLOOD. Doctor you were sworn and testified the other day, and we recall you for the purpose of detailing a little further your identification of certain exhibits that are already in evidence.

I am going to show you exhibits 49 through 59, inclusive, and ask you to take each one of them—they are marked on the back—and identify them, one by one. You don't have to identify every person in these group pictures, just identify the ones that you think are the outstanding personalities; and on the pictures that do not contain persons just give us a short description of the matters depicted thereon.

Will you proceed, please?

[Exhibits shown in Wednesday, April 23, 1952, hearing. See pp. 1431-1440]

Dr. TRAMSEN. All these pictures were taken by the German press officers, partly at Katyn, and a few in Berlin.

Exhibit 49 shows a picture of a post-mortem autopsy which took place in Katyn. The picture shows me in the process of the post mortem, having opened the chest on the body of the Polish officer Captain Szyminski.

Exhibit 50 is another incident at the external examinations of the dead bodies in Katyn. Professor Hajek is just about removing one of the boots of the dead body, being watched by Professor Subek.

Exhibit 51 shows another incident at the examinations of the identification papers extracted from one of these bodies. Professor Milos-

lawitch is just about opening one of these papers, and I am standing by watching.

Exhibit 52 shows a cranium of one of these Polish officers, with a clear exit wound in the skull, and, it is clearly to be seen, a pistol bullet lying in the wound.

Exhibit 53 shows the hands of a Polish officer tied by the cord mentioned before.

Exhibit 54 shows a picture of one of the diaries of the Polish officers.

Exhibit 55 shows the personal belongings of one of the Polish generals, with the name Smorawinski. In the left corner is shown a cigarette case with the initials of Polish names, a bankbook, a personal identification card with a photograph, and in the right corner you see a commendation showing that this general was awarded the Polish order of Virtuti Military.

Exhibit 56 shows one of the laboratories in the German Institute at Smolensk. Professor Miloslavich is holding a skull, and on the table in the foreground are another six skulls of Polish officers.

Exhibit 57 shows the final meeting of the Committee at the Institute in Smolensk. The German professor, Dr. Buhtz, is standing at the end of the table, and along the side is Professor Orsos, Professor Naville, Professor Palmieri, and several others of the members of the committee.

Exhibit 58 shows a room in the German ministry of health in Berlin. In the foreground Professor Orsos is handing the committee's protocol to Reichsgesundheitsfuehrer Conte. In the background can be seen most of the members of the committee.

Do you want me to name the names of these members?

MR. FLOOD. A resonable number; you don't have to name them all.

DR. TRAMSEN. Yes, Professor Palmieri, Professor Saxen, Professor Speleers, Professor Hajek, Dr. Markhov, Dr. Birkle, and Dr. deBurlet.

The last exhibit, No. 59, is taken in the courtyard of the Hotel Adlon in Berlin. After the final meal the committee was collected with Dr. Conte. The picture shows, from the left toward the right, Dr. Zietz, Professor Naville, Professor Subek, Professor Palmieri, Professor Miloslavich, Professor Hajek, Professor Orsos, me, Dr. Conte, Dr. Markhov, Professor Buhtz, Profesor de Burlet, Profesor Speleers, Dr. Costedoat, Profesor Saxen, and two German secretaries from the ministry of health.

That is the total number.

MR. FLOOD. There are also exhibit 60 and exhibit 66.

DR. TRAMSEN. Exhibit 60 shows the castle in the woods of Katyn, and a few members of the committee walking past it in the foreground, and between them Professor Orsos.

Exhibit 66 is a photograph of a Polish diary in which can be clearly seen the last written page, and here is the date given, as the 9th of April.

MR. DONDERO. What year?

DR. TRAMSEN. No year.

May I ask a question?

MR. FLOOD. You may; yes.

DR. TRAMSEN. If the protocol signed in person by the various members of the committee will be of any use for the congressional committee.

Mr. FLOOD. Now, do I understand that the document you have there is a copy of the protocol with the actual signatures of the scientific members to the commission?

Dr. TRAMSEN. Yes; that is so.

Mr. FLOOD. Made in your presence?

Dr. TRAMSEN. Yes, signed in my presence and by the members themselves.

Mr. FLOOD. Let the committee see the last page of the signatures for a moment, please.

(Document submitted to the committee.)

Mr. FLOOD [continuing]. We have the protocol in the record. There would be no sense in reproducing the protocol itself, but we would like to see page 7 thereof, which you say contains the signatures of the members made in your presence.

We appreciate, Doctor, you showing us this extremely interesting and important exhibit. There is no reason why this should be added to the record, but we are grateful for the opportunity of seeing the original signatures. This original protocol will be placed in the permanent archives of the committee.

Now I will ask the stenographer to mark for identification some other photographs, which there will be no need to identify in any further detail, as exhibits Nos. 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, and 98. And in that last group these photographs are of significance because they indicate the conversation between the members of the commission and the Russian native; they indicate the meeting of Dr. Orsos, with the skull from which he was expounding his theory of calcification in the brain pulp; Dr. Orsos indicating the body which he wished removed, and the removal of that body from the grave; and the Swiss Dr. Naville and the Italian Dr. Palmieri examining an obviously badly decomposed corpse; and the best aerial photo that we have observed so far of the Katyn Forest area in the vicinity of the Dnieper Castle.

(The photographs referred to were marked Frankfurt exhibits Nos. 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, and 98, and are shown on pp. 1584-1596.)

Mr. FLOOD. Doctor, I show you photographs marked for identification as exhibits 84 to 98, inclusive, and I ask you whether or not they are the photographs of, and generally reflect, as I have indicated, the incidents at Katyn during your visit with the commission.

Dr. TRAMSEN. Yes; they are.

Mr. FLOOD. We will offer those in evidence.

(Exhibits 84 to 98, inclusive, shown below:)

Mr. FLOOD. Thank you, Doctor, for the second time. That will be all.

Dr. Orsos.

EXHIBIT 84



Conversation between members of the International Medical Commission and a Russian native.

EXHIBIT 85



Dr. Buhtz and Medical Commission members examining one of the exhumed bodies.

EXHIBIT 86



Dr. Palmieri (right) in conversation with unidentified man at Katyn.

EXHIBIT 87



Professor Hajek holding arm of Katyn victim.

EXHIBIT 88



Dr. Orsos explains theory of calcification in brain pulp to the members to the Commission.

EXHIBIT 89



Dr. Orsos (Hungary) and Professor Saxen (Finland) examining exhumed Katyn corpse.

EXHIBIT 90



Dr. Orsos (Hungary) performing autopsy being watched by Professor Saxen (Finland) and German soldier assisting.

EXHIBIT 91



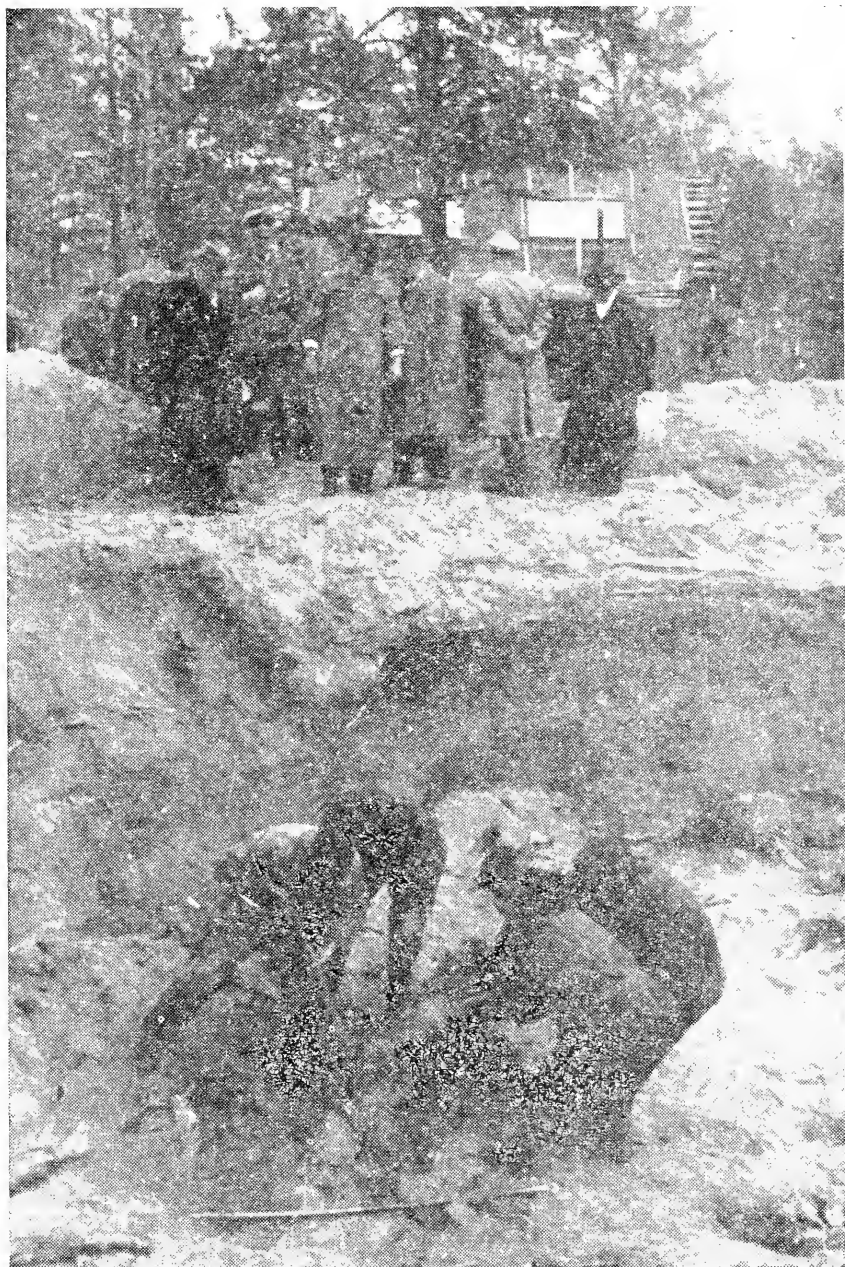
Dr. Orsos (Hungary) indicating body to be exhumed and its removal.

EXHIBIT 92



(Right to left) Dr. Naville (Swiss) and Dr. Palmeri (Italian) examining badly decomposed corpse.

EXHIBIT 93



Exhumation of of Katyn victim—watching at edge of pit is Dr. Orsos (Hungary) and others.

EXHIBIT 94



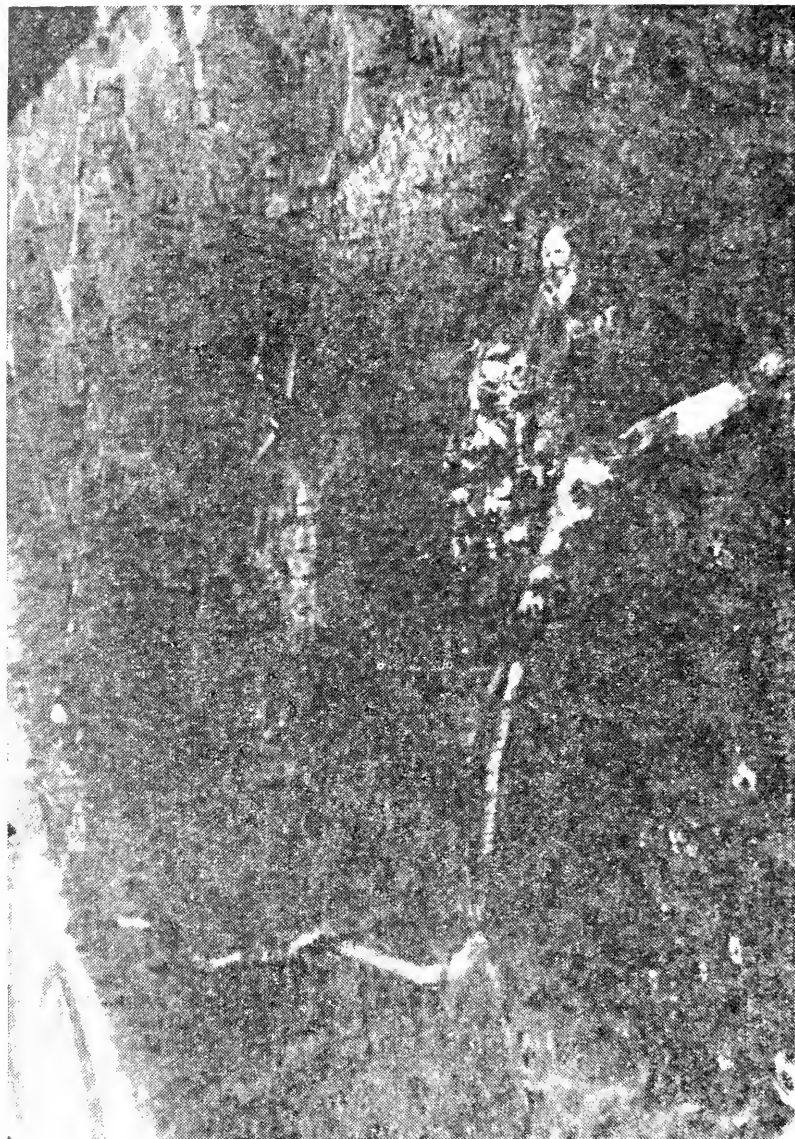
View of bodies in graves.

EXHIBIT 95



View of partial exhumation of bodies at Katyn.

EXHIBIT 96



Aerial view of Katyn Forest area in vicinity of Dnieper Castle.

Aerial view of Katyn forest area in vicinity of Dnieper Castle.

EXHIBIT 97



Exhumed Katyn victim.

ЕХНІВТ 98



Exhumed bodies of Polish victims at Katyn.

**TESTIMONY OF DR. FERENC ORSOS, MAINZ, GERMANY (THROUGH
THE INTERPRETER, MR. VON HAHN)**

Mr. FLOOD. Doctor, do you have any objections to being photographed?

Dr. ORSOS. Yes, I do object.

Mr. FLOOD. You object? Very well. Doctor, please give your name, the correct spelling of your name, and your present address, to the stenographer.

Dr. ORSOS. Ferenc Orsos.

Chairman MADDEN. Doctor, I will make a statement for your consideration:

Before you testify it is our wish to invite your attention to the fact that under German law you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time it is our wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceedings which may arise as the result of your testimony.

Dr. ORSOS. I understand.

Chairman MADDEN. Now stand and be sworn, please.

Dr. ORSOS. What shall I swear? What oath am I to take?

Chairman MADDEN. The customary oath.

Dr. ORSOS. I have been admitted to courts as an expert for judicial medicine for forty years. I took an oath at the beginning of my career, and I believe that if I took another oath again, that would only be detrimental to my reputation.

Mr. FLOOD. Please explain to the doctor that this committee has no doubt at all about the doctor's integrity and his great reputation and distinction, but that under the practices of the House of Representatives the oath is a formality that the House of Representatives requires in giving testimony. However, if the doctor does not wish to take a solemn oath, he can merely affirm that the testimony he gives will be the truth, the whole truth, and nothing but the truth, and in that case the sworn oath of the nature we generally administer will not be required; he can merely affirm.

Dr. ORSOS. During my whole career, every time I have had to testify it was pointed out to me that on the occasion of my permanent appointment for life as an expert for judicial medicine I was reminded that I had taken the oath on my appointment, and before every proceeding this fact was pointed out to me, and that was regarded as being sufficient.

So, if the committee would just point out to me and ask me to remember my first oath, that would tally with my practice.

Mr. FLOOD. We have no objection to taking the testimony under those circumstances, and at this time we take this occasion to remind the doctor of his oath taken as a scientist for this purpose, as he has just described.

Dr. ORSOS. Yes.

Mr. FLOOD. And, of course, the doctor affirms that the testimony will be the truth at this conference.

Dr. ORSOS. Yes; I do.

Mr. FLOOD. Then I think we are in complete agreement.

Doctor, what is your name?

Dr. ORSOS. Ferenc Orsos.

Mr. FLOOD. Where were you born?

Dr. ORSOS. In Temesvar, Hungary.

Mr. FLOOD. Doctor, will you please tell us from what schools or universities you graduated, and what were your degrees and courses?

Dr. ORSOS. Only the degrees obtained from universities, or everything?

Mr. FLOOD. In the field of pathology and forensic medicine.

Dr. ORSOS. Yes. In Budapest University. Then I became an assistant doctor, physician, in Budapest, and from 1906 I was chief prosekter and expert for judicial medicine in Pecs.

Mr. FLOOD. In your long experience as a pathologist did you ever have occasion, Doctor, to perform autopsies and post mortems upon dead bodies and disinterred corpses?

Dr. ORSOS. In many hundreds of cases.

Mr. FLOOD. Doctor, will you now please direct your attention to the year 1943 and the matter of the Katyn massacres?

Dr. ORSOS. Yes; I will.

Mr. FLOOD. And, Doctor, where were you living and in what practice were you engaged in April of 1943?

Dr. ORSOS. I was a professor of judicial medicine and director of the department for judicial medicine at Budapest University and at the Institute for Judicial Medicine in Budapest. At the same time I was expert for judicial medicine for all high courts in the surroundings of Budapest.

Mr. FLOOD. How were you invited, and under what circumstances, to participate in the scientific investigations at Katyn?

Dr. ORSOS. I was called upon by the Hungarian Foreign Office and the Ministry of Culture to take part in this international commission, in view of the fact that I was the only professor of forensic medicine and expert in this field, and there was no other expert like me in all the five universities in Hungary. I was exclusively engaged in forensic medicine in Hungary and did not do any other work, whereas my colleagues from the other universities were only doing this kind of work occasionally, acting for others, and that was the reason why I was asked to be a member of this commission.

Mr. FLOOD. Then you were invited by the Foreign Office of your own Government and not directly and personally by the then German Government?

Dr. ORSOS. That is correct. I presume that the then German Government had previously negotiated with the Hungarian Government about this matter.

Mr. FLOOD. Do you know a Dr. Conte, a German, a Dr. Buhtz, a German, and a Dr. Zietz, a German? Do you recall them?

Dr. ORSOS. Yes; I do.

Mr. FLOOD. Will you tell us who they were and in what way they were identified with this commission?

Dr. ORSOS. Dr. Conte was the so-called Reich health leader, and, at the same time, president of the Reich medical chamber.

Buhtz, Professor Buhtz, was an expert for forensic medicine at Breslau, in Silesia.

Dr. Zietz is a German, and he accompanied us to that area and made all arrangements for our accommodations, etc., and just cared for us.

Mr. FLOOD. Doctor, in your own words, then—and I am sure you are capable of doing so very well—would you take us, now, to Katyn and describe your observations and autopsies performed there?

Dr. ORSOS. Yes. After our return to Berlin from Katyn, and after we had handed the protocol to Dr. Conte, all of us, that is, all the commission, undertook not to disclose anything about our Katyn investigations, neither by the spoken word nor in writing, unless some new scientific points would come up and we would find it necessary to make additions to our original protocol. That is because we were only asked to act as experts for forensic medicine. We only had to answer two questions. Everything that we saw at Katyn we entered in our protocol after a very careful and thorough discussion among ourselves. We were aware of the fact that if we were to talk about the things that we had seen we would destroy the scientific value of our protocol and would probably be a party to propaganda.

That is all.

Mr. FLOOD. Doctor, did you observe the bodies in the graves?

Dr. ORSOS. Yes, I did; certainly I did.

Mr. FLOOD. And did you yourself perform any autopsies or post mortems on any of the bodies?

Dr. ORSOS. Yes; I did.

Mr. FLOOD. Did you reach any conclusion as to the cause of death?

Dr. ORSOS. Yes, I did, and you will find that in the protocol.

Mr. FLOOD. Was the cause of death in any of the bodies, or any body out of the group that you examined, a gunshot wound in the head?

Dr. ORSOS. That is also stated in detail in the protocol.

Mr. FLOOD. And did you have occasion to observe whether or not the gunshot wounds—if they were the cause of death, as described in the protocol—were fired proximate to the skull?

Dr. ORSOS. The protocol even states the distance in inches or measurements in centimeters.

Mr. FLOOD. And did you observe, Doctor, that the bodies that were discovered in the graves and that you saw there were dressed in the uniforms of Polish officers?

Dr. ORSOS. That is also stated in detail in the protocol.

Mr. FLOOD. And did you, Doctor, as indicated by pictures now in evidence, and as indicated in the protocol, talk to certain Russian inhabitants of the area?

Dr. ORSOS. Yes; I did.

Mr. FLOOD. And did you observe, Doctor, on certain of the bodies, that the hands were tied behind the back in a certain way?

Dr. ORSOS. This was also laid down in the protocol.

Mr. FLOOD. And as is evidenced by certain photographs taken on the spot and now in evidence?

Dr. ORSOS. Yes.

Mr. FLOOD. And did you observe, Doctor, that certain of the bodies were wearing overcoats or greatcoats, or what could be described as winter clothing?

Dr. ORSOS. We investigated all these matters in full detail and put all these details into the protocol.

Mr. FLOOD. And did you observe, Doctor, on the bodies of some of the corpses taken from the grave and in the area and in certain exhibits, documents, and personal belongings of the dead officers?

Dr. ORSOS. Yes.

Mr. FLOOD. And did you, Doctor, in the presence of your fellow scientists, expound to them, using as an exhibit a skull opened by you, a certain theory of calcification of brain pulp?

Dr. ORSOS. Those were no theories; those were experiences of a period of more than 30 years.

Mr. FLOOD. And you expounded them as a scientific fact?

Dr. ORSOS. Yes; that is so.

Mr. FLOOD. Do you care to outline for the benefit of the committee generally, Doctor, the Orsos theory on the calcification of brain pulp in the skull and organic changes brought about by interment, which would indicate the time in which the body had been buried?

Dr. ORSOS. No; I am not prepared to do it. But I am handing you the heading of an article which I published in a scientific paper, copies of which you will find in any scientific library, and all details of this teaching of mine can be found in this article.

Mr. FLOOD. Will you place in the record and translate into English the name and the address of this article, dealing with this theory of organic change of the skulls?

Mr. VON HAHN. It is in Hungarian.

Mr. FLOOD. Then place it in the record as it is given you by the witness.

(The following was contained on the document produced by the witness and was translated into German by the witness:)

Orvosi Hetilap
1941, No. 11

(Athenaeum Budapest)

A halál utáni csontmésztelenedés, szuvasodás és pseudocallus.

Mr. VON HAHN. The English version is approximately:

The post mortal decalcification, callus, and pseudocallus on bones.

That is the title of the article.

Mr. FLOOD. Doctor, did you point out to the scientists at Katyn, as indicated in the protocol and in the photograph, evidences of that scientific conclusion?

Dr. ORSOS. Yes; I did.

Mr. FLOOD. And did you, Doctor, at the conclusion of your autopsies and analysis, sign such a protocol, as you have referred to it?

Dr. ORSOS. Yes; I did.

I would like to add something. We discussed all the matters the whole afternoon in every detail after we had finished with the post mortems. I wrote down every remark made by all the members of the commission. Then I dictated the medical part of the protocol.

We finished up at 3 o'clock in the morning. Then we went to the mess hall. Some of my colleagues had already gone to bed. And very early in the morning we left on our return flight in three planes.

The protocol had been read out to us in this mess hall, in this canteen, the manuscript, the draft, and when we reached the town of Bialystok on our return flight, a military plane caught up with us with mimeographed copies of the protocol. There, at that place, we

had about one and a half hours to read through the protocols and to sign them, and then we continued our return flight to Berlin.

Mr. FLOOD. Doctor, did you read the protocol and did you sign it?

Dr. ORSOS. Yes, I did.

Mr. FLOOD. Do you subscribe today to your signature and to the protocol?

Dr. ORSOS. Yes, I do.

Mr. FLOOD. Your distinguished, the Danish scientist Tramsen, has placed in the hands of the committee a copy of the protocol signed by the members of the commission, including you, Dr. Orsos. I show you, Dr. Orsos, Dr. Tramsen's copy and ask you if that is your signature on page 7?

Dr. ORSOS. Yes. I confirm this to be my signature. Each one of us was handed such a copy of the protocol.

Mr. FLOOD. Is it not true that the distinguished doctor himself was chairman of the commission and was elected as such by his fellow members?

Dr. ORSOS. Apparently, if my colleagues agreed with that, it was probably because I was the oldest in age and the most experienced scientist in this field, in view of the fact that I had carried out more than 80,000 autopsies. So if my colleagues agreed to that, then I was the chairman of this committee.

Mr. FLOOD. I might state, Doctor, that your distinguished colleagues Miloslavich, the Croat, and the Dane, Tramsen, have so advised us and agreed.

Dr. ORSOS. I cannot confirm that I was officially appointed chairman of the commission, but it was a gentlemen's agreement.

Mr. FLOOD. There is no doubt in the mind of the committee that because of the doctor's distinction and vast experience, if he had not been he should have been so appointed.

Dr. ORSOS. Actually, we were all the same in the commission and, actually, I was only requested to take the chair during our discussions and at our meetings. It was on that afternoon which I mentioned before.

Mr. FLOOD. I show you, Doctor, certain photographs placed in evidence by Dr. Tramsen, the Danish scientist and a member of the commission, upon which the distinguished witness now on the stand appears at various times, and ask you whether or not you can identify yourself on those photographs?

Dr. ORSOS. Yes. I am to be seen on each one of them.

Mr. FLOOD. Doctor, do you have any further statements to make?

Dr. ORSOS. Yes. And, in fact, the one thing which I have much at heart is that my name should not be published in the papers. I do not want to be pointed out in the papers because it would prejudice my present position.

Mr. FLOOD. I might point out, Doctor, that the committee indicates that the press is present. We have no control over the action of the public press, but we merely direct the attention of the press to the request of the witness.

Dr. ORSOS. I would like to add, in connection with Katyn, that we, the members of the commission, were allowed to select single dead bodies in the pits, so that those were brought up which we had specially designated.

I have no more to say.

Mr. FLOOD. I will say to the doctor for the committee that we have always been impressed by his great distinction. We know how busy he is in his duties today, and we are very grateful that he would take the time to come here and help us with these proceedings.

Thank you very much, doctor.

**TESTIMONY OF DR. FRANCOIS NAVILLE, GENEVA, SWITZERLAND
(THROUGH FRENCH INTERPRETER, HILDA DUPLITZA)**

Mr. FLOOD. In view of the fact that the next witness I am advised, will testify in French, it will be necessary to have a French translator, and then the French will be translated into German and so on.

Mr. Chairman, will you swear the French interpreter?

What is your name?

Miss DUPLITZA. Hilda Duplitza.

Chairman MADDEN. Do you solemnly swear that you will interpret the testimony and translate from French into English, and vice versa, truthfully; so help you God?

Miss DUPLITZA. I do.

Chairman MADDEN. Doctor, do you object to being photographed?

Dr. NAVILLE. No photographs.

Chairman MADDEN. Doctor, would you state your name and address to the reporter, please?

Dr. NAVILLE. Naville, Francois; 68 years old.

Chairman MADDEN. Before you testify, it is our wish to invite your attention to the fact that, under the German law, you will not be liable for slander or libel, either in criminal or in civil proceedings, for anything you may say in your testimony, so long as you tell the truth. At the same time, I wish to make it quite clear that neither the Government of the United States nor the Congress of the United States assumes any responsibility in your behalf with respect to libel or slander proceeding which may arise as a result of your testimony.

Dr. NAVILLE. Yes; I agree.

Chairman MADDEN. Will you be sworn?

Do you swear that you will, according to the best of your knowledge, tell the truth, the whole truth, and nothing but the truth; so help you God?

Dr. NAVILLE. I do.

Mr. FLOOD. What is your name?

Dr. NAVILLE. Naville.

Mr. FLOOD. Where were you born?

Dr. NAVILLE. In Switzerland; Neuchatel.

Mr. FLOOD. Are you a Swiss citizen?

Dr. NAVILLE. Yes.

Mr. FLOOD. What is your profession?

Dr. NAVILLE. A professor of forensic medicine in Geneva.

Mr. FLOOD. In what universities did you take your degrees in pathology and forensic medicine?

Dr. NAVILLE. In Geneva.

Mr. FLOOD. How long have you been engaged in your profession?

Dr. NAVILLE. 40 years.

Mr. FLOOD. In the practice of your profession, Doctor, have you ever had occasion to perform post mortems or autopsies upon dead bodies or upon corpses disinterred?

Dr. NAVILLE. I want to say that at the Forensic Institute in Geneva, we have approximately 150 corpses to examine during the period of a year.

Mr. FLOOD. I direct your attention to the year of 1943 and ask you whether or not, at any time in that year, your attention was directed to the massacres at Katyn?

Dr. NAVILLE. Yes.

Mr. FLOOD. How were you invited, and by whom, to become a member of the international medical commission at Katyn?

Dr. NAVILLE. Through the Polish Red Cross and the German Red Cross, the government had been asked to form an international commission, and the Russian Government at that time disagreed. And at that time a private commission was formed, and I was asked to become a member of this commission.

Mr. FLOOD. Who asked you to become a member?

Dr. NAVILLE. Through the German consulate in Geneva.

Mr. FLOOD. Doctor, do you know a Dr. Conti, a Dr. Buhtz and a Dr. Zietz?

Dr. NAVILLE. I made their acquaintance only on the occasion of Katyn.

Mr. FLOOD. Will you tell us who each one is, as you remember?

Dr. NAVILLE. Dr. Conti was the chief of the Reich Health Ministry. Dr. Buhtz at that time was in charge in Smolensk, of all forensic affairs in general, or only with Katyn; I am not sure about that.

Dr. Zietz is not a physician, he is a philologist, and he was in charge only of the administrative part of these affairs, and he was a member of the Medical Chamber of Germany. He should be asked what he did exactly at the time because I don't know.

Mr. FLOOD. Doctor, Dr. Zietz has already testified.

Doctor, will you tell us now what transpired when you arrived at Katyn with your fellow-scientists on the commission?

Dr. NAVILLE. We spent 2 days or a part of 2 days in the wood of Katyn, and we saw about 800 or a thousand corpses; and we made about 10 autopsies, not all myself but among my colleagues.

I want to emphasize the fact that we did not make autopsies on corpses that were pointed out to us, but we selected the corpse on which we desired to make an autopsy.

Mr. MACHROWICZ. I have one question there, Doctor.

Did you select them from the corpses that were already exhumed, or those that were obviously untouched before you came there?

Dr. NAVILLE. The corpses that were still in the grave.

Mr. FLOOD. Doctor, can you tell us whether or not the Germans cooperated in any way, or did they interfere with your scientific experiments in any way at all?

Dr. NAVILLE. No. We were completely free to do what we wanted to. We could stay on the left hand side or the right. Then I myself walked out on the forest, the wood. I was together with a French doctor by the name of Costedoat, who spoke Russian. I went along with him. And I also interrogated some Russian natives who were working there.

Mr. FLOOD. Did you have an opportunity, Doctor, to talk to any Russian inhabitants of the area?

Dr. NAVILLE. Not directly. Those people had been heard by all our people together but not by me personally.

Mr. FLOOD. Do you recall the substance of any of the conversation that was had before the whole group with any of these Russian peasants in the neighborhood?

Dr. NAVILLE. Not very clearly. Professor Orsos, who spoke Russian, interrogated these people and I was told that they had said that; but, naturally, of course, I could not speak any Russian and I don't know what they were talking about.

Mr. FLOOD. Doctor, did you examine any of the corpses, with particular attention to the cause of death?

Dr. NAVILLE. Yes.

Mr. FLOOD. What, in your opinion, Doctor, was the cause of death?

Dr. NAVILLE. Shots that were fired in the skull from a very near distance.

Mr. FLOOD. What were the facts that led you to conclude that the shots were fired from a very near distance?

Dr. NAVILLE. First of all, because it had been aimed very carefully, and then because there were some powder burns.

I want to remark here that in the newspapers it was published that these people had been killed by machine guns; but this is not correct.

Mr. FLOOD. What is your opinion, Doctor, as to how they were killed?

Dr. NAVILLE. I think that they must have been standing. I don't believe that they had been lying. I believe they had been standing when they were shot.

Mr. FLOOD. Doctor, had you ever had any experience, before you went to Katyn, in the examination of bodies where the cause of death had been gunshot wounds, particularly fired by pistol?

Dr. NAVILLE. Yes.

Mr. FLOOD. Do you have any opinion, Doctor, as to what kind of weapon was used in the killing?

Dr. NAVILLE. If this has been referred to in the protocol, I don't remember the caliber any more.

Mr. FLOOD. Could it have been a pistol?

Dr. NAVILLE. Yes.

Mr. FLOOD. Is it possible for you to say, Doctor, from the similarity of the wounds, the shots having been fired close to the skull in all cases, and from the course of the bullets and the other circumstances; is it possible for you to say, Doctor, from your long experience in such matters, that these killings had all been done by pistol and with a very practiced hand?

Dr. NAVILLE. Naturally, a person with some experience. And from these powder marks, you could determine that these shots had been fired from at least 10 centimeters (about 6 inches).

Mr. FLOOD. Doctor, will you demonstrate upon the interpreter, if you will be so kind, the point of entry and the point of exit of the shot?

(Dr. Naville indicated on Interpreter von Hahn.)

The doctor indicates the point of entry as the base of the skull, at the hair line of the neck, the general area.

Dr. NAVILLE (indicating on Mr. von Hahn). And the exit of the bullet depended on the occasion. Sometimes it was here, here, or there.

It depended on from where the shot was fired, from what direction.

And there were corpses who had received many shots.

Mr. FLOOD. The point of exit was indicated by the doctor on the subject as being between the hair line and the eyebrows, in the general area of the forehead.

Dr. NAVILLE. Yes.

Mr. FLOOD. Did you observe, on any of the bodies, wounds made by any other instrument than a pistol or a gunshot wound?

Dr. NAVILLE. No. I had been shown a piece of clothing showing a square hole made by a four-edged bayonet, but I am not sure whether this piece of cloth was from one of the corpses lying in the grave there, or from any other thing.

Mr. FLOOD. Did you observe, Doctor, that any of the corpses had their hands tied behind their backs?

Dr. NAVILLE. Yes. We saw a small number. I remember, I am not quite sure, I know, I had been told that there had been a number of those corpses who had the hands tied behind their backs. I think I saw a small number myself, but I am not quite positive.

Mr. FLOOD. Were you shown any bodies that were described to you as having been found in the general area of the graves but were said to be the bodies of Russian civilians buried some time before the Katyn bodies?

Dr. NAVILLE. One or two.

Mr. FLOOD. Do you recall, Doctor, whether or not any of those bodies were female?

Dr. NAVILLE. No.

Mr. FLOOD. Do you remember whether or not those bodies had their hands tied behind their backs?

Dr. NAVILLE. Yes, they had.

Mr. FLOOD. Do you recall, doctor, whether or not any of those bodies had a cloth thrown over the head, with a rope tied around the cloth at the neck?

Dr. NAVILLE. Yes. I saw it.

Mr. FLOOD. Do you have any observation to make with reference to the growth of the trees that were identified with the Katyn graves?

Dr. NAVILLE. In this forest there were big trees and also small trees about that high [indicating]. And I remember someone had stated that they had been somewhere else before. Whether they had been taken away from there I cannot recall.

Mr. FLOOD. Do you recall, doctor, whether or not, at a meeting in Smolensk, after the commission had visited the graves, whether or not a professional German forester demonstrated anything with reference to small trees said to have been taken from the grave?

Dr. NAVILLE. Yes. I recall it very well. And I have here a photograph showing these exactly, the special examination of these made by this man.

Mr. FLOOD. Will you have the stenographer mark this photograph as exhibit 99?

(The photograph referred to was marked for identification as "Exhibit 99" and follows:)

EXHIBIT 99



German foresters making laboratory tests of trees from Katyn Forest.

Dr. NAVILLE. I am not an expert on botany, I am not a forester; so I don't know anything about it.

Mr. FLOOD. Do you recall, doctor, anything that was said by the forestry expert at that meeting in Smolensk, with reference to the small trees said to have been taken from the top of the grave and discussed at the time the picture was taken?

Dr. NAVILLE. Yes. He said that these trees are about 5 years old and that they had been transplanted about 3 years prior to that time. But the one that I saw had, in my opinion, more than 5 years. And, actually, I have seen the cut of these trees, and I have seen some lines were closer to each other, and they might have been more than 3 years.

Mr. FLOOD. What kind of uniform, if you know, was on the bodies at Katyn?

Dr. NAVILLE. I believe they were all Polish uniforms.

I have here some buttons I have brought along.

Mr. FLOOD. Will you let me have one of them?

Dr. NAVILLE. The eagle is better on this one [producing button.]

Mr. FLOOD. Do you mean the Polish eagle?

Dr. NAVILLE. I believe so.

Mr. FLOOD. Do you know, Doctor, from what material those buttons are made?

Dr. NAVILLE. No, I do not know. They are probably aluminum; I am not sure.

Mr. FLOOD. Aluminum does not generally rust, does it?

Dr. NAVILLE. No.

Mr. FLOOD. Will you have this envelope marked as "Exhibit 100" containing a uniform button taken from a Polish officer's uniform, as mentioned by the doctor?

(The envelope referred to, containing a uniform button, was marked for identification as "Exhibit 100," and is in the committee files of which photograph is shown.)

Mr. FLOOD. I now show the witness this envelope marked for identification as "Exhibit 100," and ask him whether or not it contains the button he just showed the committee.

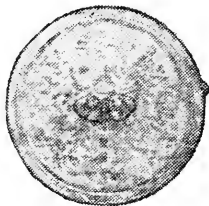
Dr. NAVILLE. I am not quite sure. I see the eagle better than before.

Mr. FLOOD. Then, doctor, for the record, will you select from the envelope that you brought with you, a button from one of the uniforms and place it in the envelope marked "Exhibit 100"?

Did you observe whether or not any of the bodies had any overcoats, or great coats, or winter uniforms?

Mr. MACHROWICZ. I think the record should show that in answer to Congressman Flood's question, the doctor has selected a button and placed it in the envelope marked "Exhibit 100". (Exhibit 100 shown below.)

EXHIBIT 100



Button taken from Polish officer's uniform.

Dr. NAVILLE. Yes, they wore winter clothing.

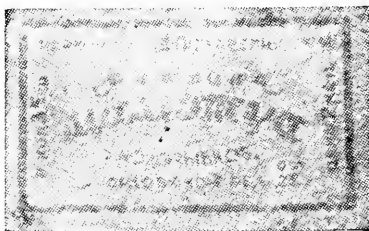
Mr. FLOOD. Did you observe whether or not there were any documents or personal belongings or objects on any of the bodies, and did you see any such things?

Dr. NAVILLE. I have here a picture on which I am seen just taking out of the pocket of one of the bodies a box of matches, and I have a photograph of this box of matches in my possession. I also found a cigarette holder which has an inscription Kozielsk on it, and, when I found this cigarette holder, I remember that there was an inscription on it of 1939-1940, but you can't see it any more. There is a pencil copy of the Russian text and also of the French translation on the photograph.

Mr. FLOOD. I now ask the stenographer to mark for identification as exhibits 101, 101A, and 102 this envelope containing the documents and translations and the photograph of the match box top as just described by the doctor as having been taken by him from one of the bodies at the Katyn graves.

(The above described envelope was marked "Frankfurt Exhibit 102," and follows.)

EXHIBITS 101 AND 101A



Box of matches and documents removed from exhumed body.

EXHIBIT 102

Document removed from exhumed body.

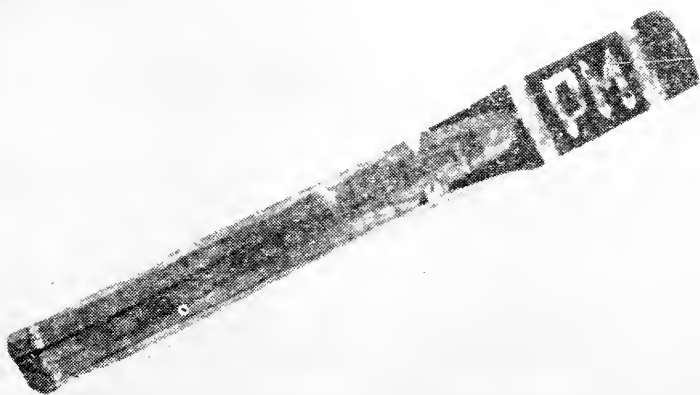
Mr. FLOOD. I now show the doctor that exhibit and ask him whether or not that envelope contains the papers and the photograph of the match box top he just handed to us?

Dr. NAVILLE. That is correct.

Mr. FLOOD. I now ask the stenographer to mark for identification this envelope as exhibit 103 containing an obviously handmade wooden cigarette holder, and still visible thereon the marking of Kozielsk that the doctor described, as having been taken from one of the bodies at the graves at Katyn.

(The above described envelope was marked "Frankfurt Exhibit 103," and is now in committee files; photograph shown below.)

EXHIBIT 103



Handmade wooden cigarette holder taken from body exhumed at Katyn. Kozielsk marked thereon.

Dr. NAVILLE. Yes, sir.

Mr. FLOOD. I ask the stenographer to mark for identification as exhibit 104 a photograph.

(The described photograph was marked "Frankfurt Exhibit 104," and follows:)

EXHIBIT 104



Dr. Naville removing documents and box of matches from Katyn corpse.

Mr. FLOOD. I show you exhibit 104 and ask you to describe who is the person on that photograph and what he is doing.

Dr. NAVILLE. That is myself, searching the body of this corpse which had not been searched before, and finding a box of matches.

Mr. FLOOD. From the examination or observation of any or all of the documents that you saw on the body or in the exhibits at the Katyn area, did you notice what was the latest date appearing on any of the written documents?

Dr. NAVILLE. I have seen many documents and newspapers, and the last date that was on any of them was the 22d of April 1940.

Mr. FLOOD. Do you have any photographs showing in detail the degree of decomposition of any of the bodies?

Dr. NAVILLE. Yes, I have two of them.

Mr. FLOOD. May I see those, please?

Dr. NAVILLE. The first photograph shows a corpse at the moment an autopsy is made on the corpse, made by Dr. Hajek, I think.

The second picture I do not remember and I don't know whether it was one of the corpses that we saw there, but, on the reverse side of this photograph, there is a remark in German that the picture was taken by the Germans and this represents a corpse from Katyn.

Mr. FLOOD. Will the stenographer mark the first one as exhibit 105 and the second one, as described by the doctor, containing the German inscription, as 106?

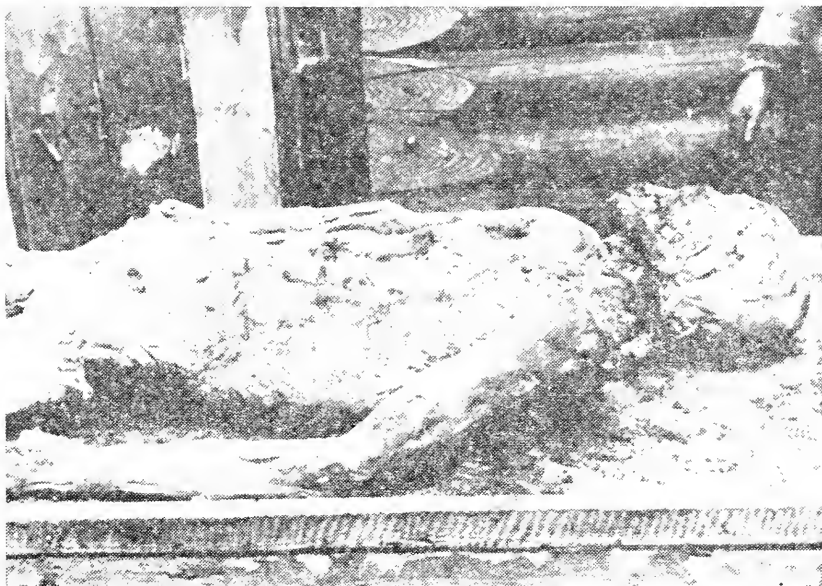
(The photographs referred to were marked "Frankfurt Exhibits 105 and 106," and follow:)

EXHIBIT 105



Dr. Hajek performs an autopsy on a Katyn corpse showing the degree of decomposition.

EXHIBIT 106



Exhumed body of Katyn Forest victim showing degree of decomposition.

Mr. FLOOD. Have you any observations to make with reference to the degree of decomposition of the bodies at Katyn?

Dr. NAVILLE. Naturally, I have seen hundreds of them—those which were already covered with body wax or body fat.

Mr. FLOOD. What was the degree of decomposition with reference to the body tissue?

Dr. NAVILLE. At some spots the tissue was already removed. In some spots there was already a process of calcification, but in some spots you could see a crust on it.

Mr. FLOOD. Do you recall any statements made by the Scientist Orsos with reference to a scientific process having to do with the calcification of the brain pulp in the skull?

Dr. NAVILLE. Yes, that referred to corpse No. 526.

Mr. FLOOD. Will you tell us in brief what the premise of that theory was?

Dr. NAVILLE. That was a process of calcification in the inside of the back part of the skull. I have here a publication by Professor Orsos concerning this subject that he had observed this process of calcification on a corpse lying in the ground more than 3 years.

Mr. FLOOD. Wasn't the importance of the theory of Dr. Orsos important for the purpose of establishing the time of death?

Dr. NAVILLE. Yes, naturally; but I don't know what is the value of a theory which only can be seen once in a thousand cases.

Mr. FLOOD. Do you remember one of your colleagues, the Bulgarian, Markhov?

Dr. NAVILLE. Yes.

Mr. FLOOD. And the Czech, Hajek?

Dr. NAVILLE. Yes, not as well as I remember the first one.

Mr. FLOOD. Did the Bulgarian, Markhov, have any conversation with you during your stay at Katyn?

Dr. NAVILLE. Yes. I remember that I took walks with him, but I do not remember that we discussed the interpretation of these cases. But anyway, he didn't make any objections or special remarks.

Mr. FLOOD. Did the Czech, Dr. Hajek, make any protests or special complaints or remarks?

Dr. NAVILLE. I do not have the slightest recollection of that.

Mr. FLOOD. Did Markhov or Hajek both object to signing the protocol, or did they sign it?

Dr. NAVILLE. Yes; they signed it in my presence.

Mr. FLOOD. Do you have a photograph of such a signing?

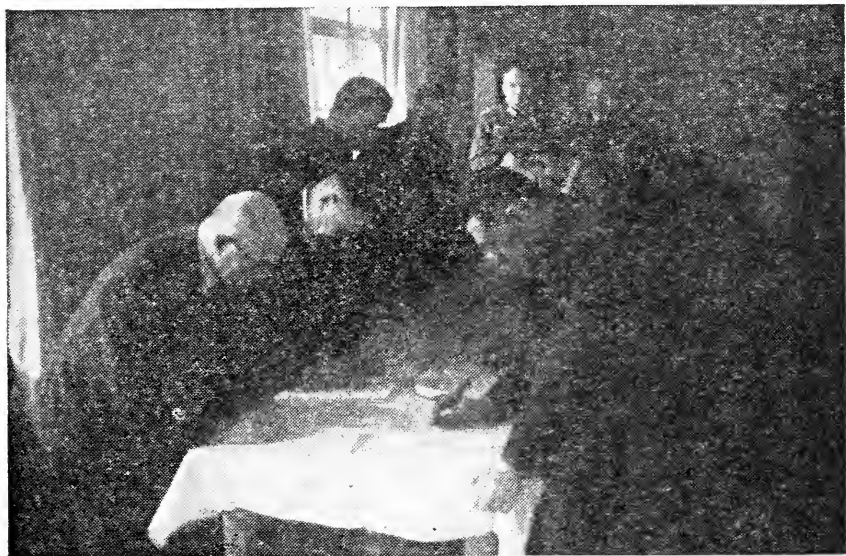
Dr. NAVILLE. It happens by accident that I have a photograph here where you can see me signing, and, on my right-hand side, is Markhov.

Mr. FLOOD. May I see that, please?

The stenographer will mark as exhibit 107 this photograph.

(The photograph described was marked "Frankfurt Exhibit 107," and follows:)

EXHIBIT 107



International Medical Commission signing protocol.

Mr. FLOOD. I show you a photograph marked for identification as exhibit 107 and ask you if that is the photograph you just described?

Dr. NAVILLE. That's right.

Mr. FLOOD. I now show the doctor a copy of the protocol we are discussing, that was handed to the committee by the distinguished Danish scientist Tramsen, and ask you whether or not you can recognize your signature on page 7 of that document?

Dr. NAVILLE. Yes.

Mr. FLOOD. Do you subscribe to your signature and to that protocol today?

Dr. NAVILLE. Yes.

Mr. FLOOD. That's all.

Mr. Dondero.

Mr. DONDERO. Doctor, did you see any rings, watches, or fountain pens on any of the bodies you saw at Katyn?

Dr. NAVILLE. No.

Mr. FLOOD. Mr. Machrowicz.

Mr. MACHROWICZ. Doctor, was any pressure exerted upon you to have you accept the assignment on this international commission?

Dr. NAVILLE. No. I was very much surprised, because it is a very well-known fact among the public that since World War I, I have hated the Germans so much.

Mr. MACHROWICZ. Did you receive any compensation or reward for your services on that committee?

Dr. NAVILLE. None whatsoever.

Mr. MACHROWICZ. Has any undue pressure been exercised upon you to testify before this committee?

Dr. NAVILLE. No.

Mr. MACHROWICZ. Have you been offered any reward or remuneration for your services in testifying before this committee?

Dr. NAVILLE. No.

Mr. MACHROWICZ. Is your testimony before this committee free and voluntary?

Dr. NAVILLE. That's right.

Mr. MACHROWICZ. Have you ever been approached by anyone with regard to changing your testimony which you gave at the time you signed the protocol in April 1943?

Dr. NAVILLE. No.

Mr. MACHROWICZ. That's all.

Dr. NAVILLE. I remember that the German consulate asked me whether I wished to make a broadcast of my observations in Katyn, and I refused. I am a scientist, a doctor, a physician. I am not making any propaganda.

Mr. MACHROWICZ. That's all.

Mr. FLOOD. Doctor, the committee is very grateful that you would take the time from your professional work to come here today. We know that you were forced to rearrange your university schedule to accommodate the committee, but we felt it necessary that you appear, if you would be so kind, because of the importance of your distinguished career, in addition to the fact that, at the time you were a member of the committee, you were a Swiss citizen and still are, so that we are especially pleased that you helped us by giving your testimony today, and we thank you very much.

Chairman MADDEN. I might say that this will bring to a close the hearings in Europe conducted by the Special Congressional Committee Investigating the Katyn massacre.

The committee has conducted hearings in Washington and Chicago previous to coming to London and Frankfurt.

The members of the committee who attended the daily meetings in Frankfurt were Congressman Flood of Pennsylvania, Congressman Machrowicz of Michigan, Congressman Dondero of Michigan, and Congressman O'Konski from Wisconsin. Congressman Furcolo of Massachusetts and Congressman Sheehan of Illinois were unable to accompany the committee to Europe on account of personal and family reasons.

On behalf of the committee, I wish to thank the press, radio services, and other news agencies who have cooperated so well with the committee in complying with the rules of the House of Representatives regarding hearings.

In setting up the hearings in London and Frankfurt, it required a great deal of preliminary work and effort. Congressman Flood and Counsel John J. Mitchell came to Germany almost a month ago in order to prepare preliminary work that was essential for carrying on these hearings in Frankfurt, and Congressman O'Konski and Investigator Roman Pucinski went to London at the same time in order to prepare the preliminary work for those hearings. By reason of this preliminary work, it enabled the committee to facilitate its hearings and to complete the London and the Frankfurt hearings in 2 weeks' time.

The committee owes a debt of thanks to the special efforts and help extended to the committee by Mr. Ramsey, Mr. Graham, Mr. Sulkin,

Mr. Parson, Mr. Von Rosbach, Mr. von Hahn, Miss Hieb, Miss Konkel, Miss Pikul, Miss Daniels, Mrs. Leonard, Miss Healy, and others who assisted in the reporting and recording of the testimony of this committee. We also want to especially thank the interpreters: Mr. von Hahn, Mr. Mostni, and Miss Duplitza who did an excellent job indeed in aiding the work of the committee.

I might say there will be a press conference immediately following adjournment of the committee, limited to the press and radio only.

If any of the committee has any words to say, I will be glad to hear from them at this time.

The Frankfurt hearings are now adjourned.

(Whereupon, at 12:35 p. m. Saturday, April 26, 1952, the committee recessed subject to reconvene at call of the Chair.)

THE KATYN FOREST MASSACRE

SUNDAY, APRIL 27, 1952

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE SELECT COMMITTEE
ON THE KATYN FOREST MASSACRE,
Naples, Italy.

On April 27, 1952, a subcommittee of the Select Committee on the Katyn Forest Massacre traveled to Naples, Italy, and took the testimony of Dr. Vincenzo Mario Palmieri.

This hearing was held in Naples, Italy, on April 27, 1952, by a subcommittee of the special congressional committee authorized by Congress for the investigation of the Katyn massacre. The members of the subcommittee are Congressmen Ray Madden (chairman), George Dondero, and Thaddeus Machrowicz. Members Madden and Machrowicz were present at this hearing. Also present was Roman Pucinski, the committee's investigator.

The interpreter at the hearing was William Gargiulo, American consulate general, Naples, Italy, special assistant to the consul general. At this point in the hearing he was sworn by Chairman Madden.

Also present was Dr. Prof. Vincenzo Mario Palmieri, Via Salvator Rosa No. 287, Naples, Italy. Dr. Palmieri was sworn by Chairman Madden.

TESTIMONY OF DR. VINCENZO MARIO PALMIERI

Chairman MADDEN. Doctor, very briefly for the record, please state how long you have been practicing medicine.

Dr. PALMIERI. Since 1922.

Chairman MADDEN. What universities did you attend?

Dr. PALMIERI. The University of Naples.

Chairman MADDEN. Do you specialize or carry on a general practice of medicine?

Dr. PALMIERI. I specialize in forensic medicine and criminology.

Chairman MADDEN. In the year 1943 were you invited to join a medical commission to make a medical investigation and examination of the bodies that were found in a large grave in the Katyn Forest near Smolensk in Soviet Russia?

Dr. PALMIERI. Yes.

Chairman MADDEN. From whom did you receive the invitation?

Dr. PALMIERI. From the Italian Ministry of Foreign Affairs.

Chairman MADDEN. What was the name of the man issuing this invitation?

Dr. PALMIERI. The invitation came from the Ministry on April 23, telling me to leave on the following day for Rome and go to the Ministry of Foreign Affairs, and when I arrived at the Ministry I was informed further what it was all about.

Chairman MADDEN. But what was the name?

Dr. PALMIERI. A functionary told me that this man was D'Astis, who was Director General within the Ministry.

Chairman MADDEN. Where did you go from there?

Dr. PALMIERI. From the Ministry of Foreign Affairs we went to the German Embassy to get the visas and other documents. When we left the German Embassy, we were told to leave the day after for Berlin by air.

Chairman MADDEN. Whom did you meet?

Dr. PALMIERI. The entire commission was at the Hotel Adlon.

Chairman MADDEN. Whom did you meet?

Dr. PALMIERI. Dr. Naville, Dr. Orsos, Dr. Tramsen, Dr. Costendat, Dr. Markhov, Dr. Speelers, Dr. Hajek, Dr. Saxen, Dr. De Bulet. [Dr. Palmieri had forgotten some of these names but easily recalled them with the help of the subcommittee.] I knew some of these persons and met the others there.

Chairman MADDEN. Then what did you do?

Dr. PALMIERI. There was a second meeting at the hotel in the evening when we met Professor Buhtz a medical specialist, who was killed by the Germans in the last revolt, but at that time was present. He was a liaison officer.

Chairman MADDEN. From there did you go to Katyn?

Dr. PALMIERI. Yes, by air, accompanied by all of the members of the commission and Buhtz.

Mr. MACHROWICZ. Do you know why you were selected?

Dr. PALMIERI. No.

Mr. MACHROWICZ. You are unquestionably a specialist in this field of medicine?

Dr. PALMIERI. There is proof of this matter at the University of Naples.

Mr. MACHROWICZ. Did anyone use any duress or coercion to have you on this commission?

Dr. PALMIERI. No.

Mr. MACHROWICZ. Was this a voluntary act?

Dr. PALMIERI. Yes, I might have said no.

Mr. MACHROWICZ. When you arrived in Berlin did anyone use any pressure on you?

Dr. PALMIERI. No.

Mr. MACHROWICZ. After you arrived in Smolensk in Katyn did anyone use any duress on you?

Dr. PALMIERI. Practically, we did not have any contact with the Germans, only technically.

Mr. MACHROWICZ. Were you given the authority to go forward in the inspection of the graves?

Dr. PALMIERI. They showed us the bodies in the graves. Each one of the committee had as assistants two men and a stenographer.

Mr. MACHROWICZ. Would you tell us exactly what you saw and what you did at Katyn?

Dr. PALMIERI. That is a long story.

Mr. MACHROWICZ. Only the important details to determine the time of the alleged killings.

Dr. PALMIERI. When a certain time has passed from the time of death, the possibility of determining the time of death becomes always more difficult. Therefore one must study the corpse. Generally, two conclusions may be reached by the magistrate on the time of death and can be determined in two ways: Firstly, when did the person die; secondly, between the two dates which we are giving you which is the most probable. The first question is far more difficult to answer if it is a question of establishing dates which are very near to each other when much time has passed. It is much easier to reach a conclusion on the second question, and this is what was done. Two dates are possible—April 1940 or October 1941. Between the two dates there are 18 months, this allows precise orientation. The answer to the question (1940–41) was influenced by two circumstances: (1) The state of the corpses, and (2) the plant life which had been planted over the bodies. In the bodies, or at least in many of the bodies, Professor Orsos observed the presence of growths (corns)—in the inside of the cranium pseudo-growths in the internal part of the skull which are due to manifestations of reduction of the mineralization of the brain—of the cerebral tissues and of the other substances contained in the skull. In a special publication of Professor Orsos in 1934 he had called attention to the fact that these cerebral growths are noticeable on bodies which have been dead for at least 2 years. Orsos had been a prisoner of the Russians during the First World War and had been in Siberia and there had made these special studies which he published in 1934. Secondly, the question of the plants concerns the age of these plants. It is a fact that one notes when a tree is cut that each year a circle is noted for its age. There was this coincidence and led to the conclusion from a technical point of view, and there were others which are not technical arguments, for instance, material found in the pockets—letters, newspapers, diaries—none of these had a date later than April 1940. This was not a medical question.

Mr. MACHROWICZ. From your own experiences and experiments at Katyn did you come to any conclusion as to the time of death of the persons found in these graves?

Dr. PALMIERI. I can say no more than when a person is buried between 18 and 30 months to establish the exact time of burial is difficult.

Mr. MACHROWICZ. What conclusion did you arrive at?

Dr. PALMIERI. I came to a conclusion especially similar to Orsos' theory on the formation of cerebral growth.

Mr. MACHROWICZ. Was Dr. Orsos' conclusion that the deaths occurred not later than April or May 1940?

Dr. PALMIERI. Yes.

Mr. MACHROWICZ. Did you agree?

Dr. PALMIERI. Yes, based on the researches that Dr. Orsos had made.

Mr. MACHROWICZ. Did you sign a report on the results of the investigation?

Dr. PALMIERI. Yes.

Mr. MACHROWICZ. Before you signed, did you read and note the contents?

Dr. PALMIERI. Yes; we worked until 3 in the morning to find a formula in which everyone could sign.

Mr. MACHROWICZ. Then you agreed to that formula?

Dr. PALMIERI. Yes.

Mr. MACHROWICZ. Then your agreement was voluntary, not forced?

Dr. PALMIERI. No; voluntary.

Mr. MACHROWICZ. You met Dr. Markhov there; did you not?

Dr. PALMIERI. I met him there. I did not know him before.

Mr. MACHROWICZ. Did you have any conversation with him?

Dr. PALMIERI. Yes.

Mr. MACHROWICZ. In the course of the conversation you had with Dr. Markhov did he ever tell you that he was compelled or forced to take part on the committee?

Dr. PALMIERI. We spoke of other matters.

Mr. MACHROWICZ. Did he tell you whether or not he agreed with the conclusions of the report?

Dr. PALMIERI. No; we did not speak of that.

Mr. MACHROWICZ. Did you meet Dr. Frantisek Hajek there also?

Dr. PALMIERI. I knew him [Hajek] before. He was an assistant at the Medical-legal Institute in Prague.

Mr. MACHROWICZ. How long before had you known Hajek?

Dr. PALMIERI. Several years.

Mr. MACHROWICZ. Did Dr. Hajek ever tell you that he was forced to become a member of the committee or to sign the report?

Dr. PALMIERI. No.

Mr. MACHROWICZ. Did he indicate to you that his action at the Katyn Forest was free and voluntary?

Dr. PALMIERI. No. Only one person did not sign the results voluntarily—Professor Costedort—because he was not authorized by the French Government. He was free not to sign but to be solely an observer.

Chairman MADDEN. All other members signed willingly?

Dr. PALMIERI. As far as I know and believe the only one was Costedort—not because he did not agree but because he was not authorized.

Mr. MACHROWICZ. Since signing the report have you changed your opinion as to the results.

Dr. PALMIERI. No. Also I have been obliged to make examinations of other corpses, and I have noted the same things found at Katyn; that is the growths.

Mr. MACHROWICZ. Are these pseudo-growths calcium deposits?

Dr. PALMIERI. Yes.

Mr. MACHROWICZ. Has anyone used force or duress to make you appear before this committee today?

Dr. PALMIERI. No; I would also like to add that I am sorry that I could not come to Frankfurt as I was so busy.

Mr. MACHROWICZ. Has this been a free and voluntary statement?

Dr. PALMIERI. Yes.

Mr. MACHROWICZ. Did your conclusion as to the time of death of those found in the Katyn graves rest also on the age of the trees upon the graves and upon the dates of the documents. In other words, was your decision based on all three factors?

Dr. PALMIERI. Yes.

Mr. MACHROWICZ. Did you have the opportunity to select any documents from the grave?

Dr. PALMIERI. Yes.

Mr. MACHROWICZ. Where did you find the documents?

Dr. PALMIERI. The bodies were pulled out from the ground and the documents were in the pockets. We went down in the graves and pointed out which one we wanted to pull out since the heads were out—the grave was only 3 meters deep. Looked like a wine cellar with the necks of the bottles showing.

Mr. MACHROWICZ. Was it possible for someone to have put documents into the pockets after burial?

Dr. PALMIERI. No; because the bodies were so near to each other that it would have been impossible to get between. They were packed in like anchovies in a barrel.

Mr. MACHROWICZ. Did you personally take documents from the bodies?

Dr. PALMIERI. Yes. It was the first thing we examined after looking at the exterior of the bodies.

Mr. MACHROWICZ. Did you find any documents dated after April 1940?

Dr. PALMIERI. No. First we examined the documents, then the clothing, and then followed with the autopsy.

Mr. MACHROWICZ. Is it your conclusion today that the persons were killed in April 1940?

Dr. PALMIERI. It is the same as then; I have not changed.

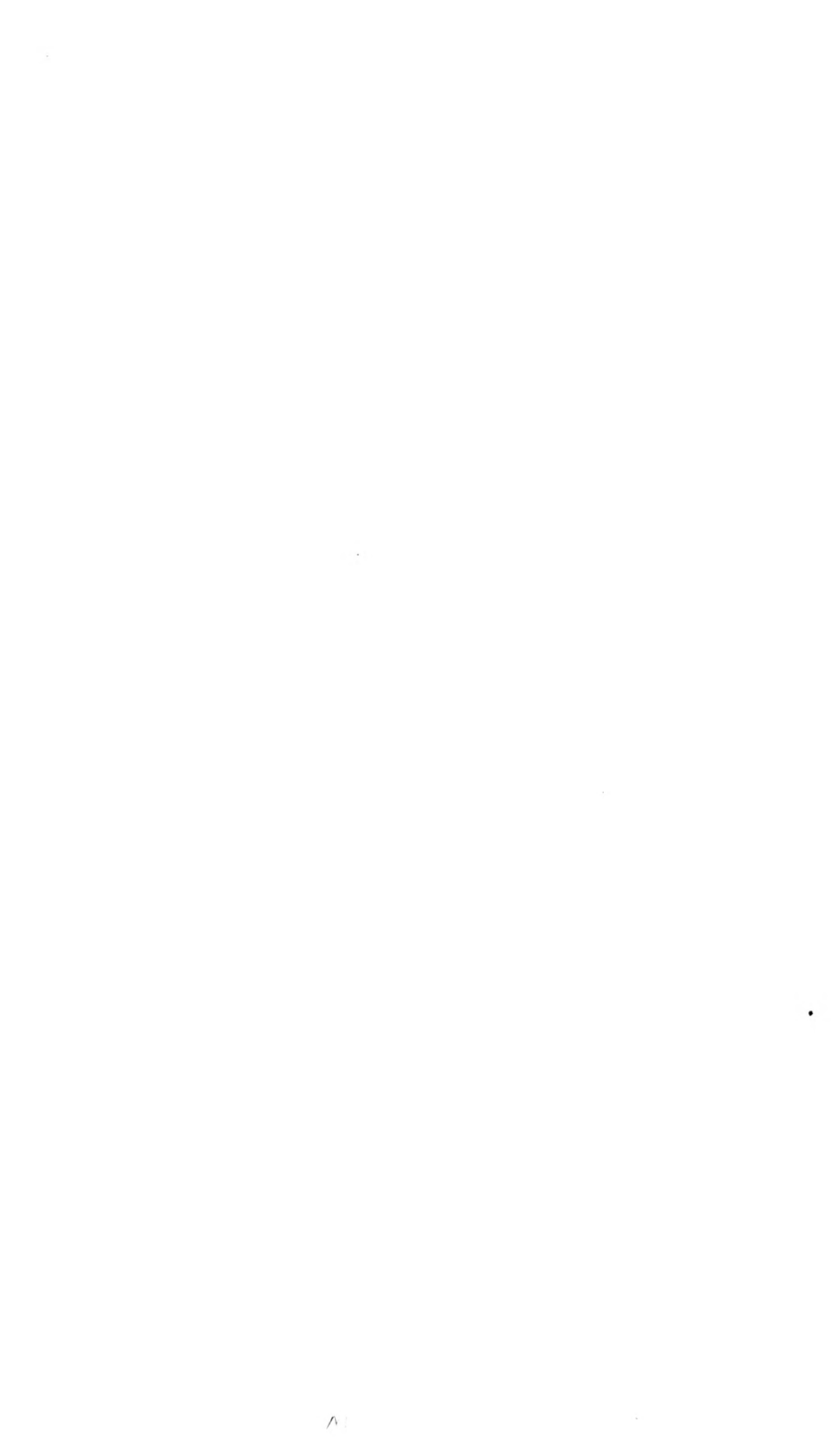
Mr. MACHROWICZ. That is April 1940?

Dr. PALMIERI. Yes; based on the three points.

The CHAIRMAN. Doctor, we are very grateful and wish to thank you for coming here today to testify.

Dr. PALMIERI. I would also like to add that I was never a Fascist and that in a certain way I was persecuted for not being a Fascist because in 1933 they withdrew my card as a Fascist. I just had it for 1 year because as a theoretical man I could not agree with the Fascist doctrine.

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